A True and Impartial

ACCOUNT

OF

The Arraignment, Tryal, Examination, Confession and Condemnation

OF

Col. Iames Turner

For Breaking open the House of *Francis Tryon* Merchant in *Limestreet* LONDON.

WITH

The several Tryals and Examinations of *John Turner*, *William Turner*, *Mary Turner*, and *Ely Turner*, Confederates.

At *Justice-Hall* in the *Old-Bailey*, LOND. the 15. 16. and 19. of *January*, 1663.

Licensed by ROGER L'ESTRANGE.

LONDON,
[illegible] *William* [illegible] for *Math. Brook* at the *Angel* in [illegible]
[illegible] *Princes Arms* in [illegible]

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LONDON,
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The TRIAL of *James Turner*, &c.

At JUSTICE-HALL *in the* Old-Baily, LONDON, *the* 15th. *of* Jan. 1663. *in the Afternoon.*

James Turner the Titular Collonel, *William Turner*, *Mary Turner*, and *Ely Turner*, were brought to the Bar.

Clerk of the Peace. James Turner hold up thy hand; which he did. *John Turner* hold up thy hand.

Col. *Turner*. He is not here, but he is hard by, and I will send for him. My Lord, he has been repeatedly sent for; if it was a mistake, he is in *Fleetstreet*, where he has been ever since this businesse, and thereupon he sent one for him, and they the Court proceeded to some other businesse. About half an hour after the said *John* came into the Court, and was set among the other Prisoners at the Bar.

Clerk of the Peace. James Turner hold up thy hand, *John Turner* hold up thy hand, *William Turner* hold up thy hand, *Mary Turner* hold up thy hand, *Ely Turner* hold up thy hand; which they all did, and then the said Clerk read their Indictment, which was as follows:

YOU stand Indicted in London by the Names of James Turner late of London Gentleman, John Turner late of London Labourer, William Turner late of London Labourer, Mary Turner late of London Spinster; otherwise Mary Turner the Wife of the said James Turner, and Ely Turner late of London Labourer; for that you the said James Turner, John Turner, and William Turner, the 7. day of January, in the 15. year of the Reign of Our Sovereign Lord Charles the Second, by the Grace of God, of England, Scotland, France, and Ireland King, Defendor of the Faith, about 10. of the Clock in the Night time of the same day, with Force and Arms, &c. at London, that is to say, in the Parish of St. Dyonis Backchurch in the Ward of Limestreet, London, aforesaid, in the dwelling-house of one Francis Tryon Merchant, there Feloniously and Burglariously, you did break and enter; and him the said Francis Tryon, in the Peace of God, and of Our said Sovereign Lord the King, in his Dwelling-house aforesaid, then and there being

being, and resting, Feloniously and Burglarly, did make an Assault, and him the said Francis Tryon in Corporal fear of his Life Feloniously and Burglarly you did put; and one Pendant Pearl set in Gold, and a precious Stone fixed thereto, of the value of 150 l. Two pendant Pearls with half Moons, seven Diamonds, and eight Rubies fixed to every of them, of the value of 80 l. One Topaz and pendant Pearl at the bottom thereof, of the value of 20 l. One Emerald Jewel, and five Diamonds of the value of 150 l. One Gold Ring and Diamonds set therein, of the value of 300 l. One other Gold Ring and nine Diamonds fixed in the same Ring, called an Agat Ring, of the value of 5 l. One Jewel and thirty seven Diamonds of the value of 30 l. One Gold Chain of the value of 30 l. One Gold Ring and nine Diamonds set therein, of the value of 6 l. Another Gold Ring and a Jacent Stone fastened therein, and two Diamonds set in either of them, of the value of 3 l. One other Gold Ring of the value of 20 s. One Necklace of Pearl, of the value of 500 l. One Knot of Diamonds and pendant Pearls fastned thereto, of the value of 300 l. One Sprigg, and three blew Saphires, nine pendant Pearls, and fifty

six Diamonds fastened therein, of the value of 300 l. *One Gold Ring and thirteen Diamonds set therein, of the value of* 30 l. *One other Gold Ring and Diamonds set therein, of the value of* 50 l. *One Knot and seventy five Diamonds set therein, of the value of* 100 l. *One Necklace, of Pearls containing One hundred seventy two Pearles, of the value of* 11 l. 10 s. *One Necklace of Pearl containing Two hundred seventy six Pearls, of the value of* 181 l. 10 s. *One Jewel and forty six Diamonds set therein, of the value of* 300 l. *One Jewel and fifty three Diamonds set therein, of the value of* 200 l. *One Gold Ring and one Diamond set therein, of the value of* 50 l. *One Locket, and thirty six Diamonds set therein, of the value of* 70 l. *Two Lockets and one Ruby, and twenty Diamonds set in either of them, of the value of* 60 l. *One pendant Pearl set in Gold, and four Diamonds set therein, of the value of* 40 l. *One other Gold Ring, and with one Diamond, of the value of* 35 l. *Six Bracelets set with precious Stones, of the value of* 20 l. *One blew Saphire, twenty four Diamonds, of the value of* 40 l. *One Locket and*

Nine

Nine Yellow Diamonds set in Gold, of the value of 20 l. One Locket and eight Diamonds set therein, of the value of 8 l. One Jewel and twelve Diamonds set therein, of the value of 15 l. One Gold Ring and Diamond, of the value of 5 l. One Jewel and Saphire Ruby and Emerald adjacent, and four Ophirs set therein, of the value of 12 l. twelve Scotch pearls, of the value of 3 l. sixty two Pearls, of the value of 12 l. One Oriental Amithist, six Diamonds set therein, of the value of 20 l. Two other Gold Rings, nine Diamonds in either of them, of the value of 15 l. One other Gold Ring and thirteen Diamonds set therein, of the value of 8 l. One Jewel, and ten Diamonds, and seven Emeralds of the value of 15. l. Sixteen gold Rings, and seven Diamonds, in every of them of the value of 1754 l. One Bracelet, and thirteen great Rubies set therein of the value of 100 l. Six Two and Twenty shilling peices of Gold, five other peices of Gold called Five shillings six pence a peice, three other peices of Gold of Two shillings nine pence a peice, another peice of Gold of Twenty shillings

shillings, two other peices of Gold of five shillings a peice, four Eleven shilling peices of Gold, five peices of French *Gold of Sixteen shillings six pence a peice, and* 102 *l. in money (particularly named in the said Indictment) of the Goods and Chattels of the said* Francis Tryon, *then and there being found, then and there Feloniously and Burglarly you did steal, take, and carry away. And that you the said* Mary Turner, *and* Ely Turner, *knowing the said* John Turner, *the Felony and Burglary aforesaid to have committed, the said* John Turner *afterwards, that is to say, the* 8*t day of* January, *in the Fifteenth year aforesaid, at* London *aforesaid, that is to say in the Parish of St.* Andrew Undershaft, *in the Ward of* Aldgate, *feloniously did receive, comfort, and maintain against the Peace of Our said Sovereign Lord the King, his Crown and Dignity.*

How say'st thou, *James Farrel*, art thou Guilty or not Guilty of the Felony and Burglary whereof thou standest indicted, or not Guilty?

Col. Turner

Col. *Turner*. My Lord, and the honourable Bench, I shall no way be refractory, nor do any thing that doth not become a Gentleman; but I humbly beseech your Honours that you will stand my friend, that I may have Justice, and your Honours opinion.——

L. Ch. J. Hide. You are to plead now to your Indictment.

Col. *Turner*. I do not refuse it; my Lord, I beg your Honour to hear me a word——

L. Ch. J. Hide. Plead to the Indictment, then say what you will, till that be done, all you can say will signifie little; we are to receive your Answer to your Plea first, afterwards say what you will, you must now say Guilty or not Guilty.

Turner. I shall not refuse to plead, but I beg my own Goods may be restored to me; my House (my Lord) is locked up, and Children turned out of Doors, and I have nothing to support us.

L. Ch. J. Hide. Are you guilty, or not guilty? You shall have right done you.

Turner. I will take your Honours word for it; I am not guilty.

Clerk. How will you be tryed?

Turner. By God and the Countrey.

Clerk. How sayest thou *John Turner*, art thou guilty of the Felony and Burglary whereof thou standst Indicted, or not guilty? And so *William Turner*, and likewise *Mary Turner*, and *Sly Turner*, as Accessaries: Being demanded the like questions, severally pleaded not Guilty, and put themselves on God and the Countrey to be tryed.

L. Ch. Just. Hide. Now Mr. *Turner* let us know who has seized any thing of yours?

Turner. The Sheriffs, Sir *Richard Ford*, and Sir *Richard Rives*, and they are in possession of my house, I have none but a Child of 7 and 9 at home, and have not a Shirt to Command. It's true the Sheriff Sir *Richard Ford* was so civill Yesterday as to give me some Linnen.

Sir *Rich. Ford.* I shall give your Lordship an account of this: I suppose (my Lord) we have done nothing but what was customary, a Seizure we have made now, but after we had heard this Gentleman was committed for Felony and Burglary, and that none but Children were in the house (my Lord) we thought it our duty both for his good to secure his Estate if acquitted, and so for the King if convicted, that so the same might not be imbezel'd; and thereupon caused an Inventory to be taken thereof: But (my Lord) we dispossessed none, it is true we have left a Servant or two, for whom we are and must be responsible; what ever they would dispose or had occasion for they had it without contradiction; we offered him that if he had any friend of his own that would undertake them to be forth coming in case he were convict, we would leave them in possession of them, we have made no Seizure; what we have done is according to custome, if we have not done that which your Lordships approve of, we beg your pardon.

L. Ch. J. Hide. We are to look to that which is according to Law, the goods of a man that is accused of Felony (he is but only so yet) he forfeits none of his goods till convict, more than that he is to live upon them during his Tryall; but on the other hand, where a man is accused of Felony, and Indicted for it, it is but prudence and agreeable to Law to take care the goods be not imbezel'd, because if a conviction follow they are forfeited to the King; therefore the Sheriffs have done but what they ought to do, they are not taken from you, what you have occasion for, either for Money (or Goods to turn into Money) for your present supply till your Tryall be over, God forbid but you should have it, and you shall have it, if you have any friend that will undertake the Goods shall be forth coming for the King in case you be convicted, or for your self if acquitted it shall be done; in the mean time what you have occasion for your self, Wife, or Children, God forbid but you should have it; and this is as much as by Justice you ought to claim.

Turner. I submit to your Honour, and I beg of your Honour and the Bench to be of Counsell for me, for though the world looks on me as a Solicitor, it is a mistake my Lord, it is not in Law, I am a stranger to it, it has been only in dealings for moneys,

neys, by purchases and the like. But my Lord, I am informed your Lordship may restore me these Goods without Security; if the Law directs Security, I am ready to give it.

L. Ch. Just. Bridgm. For that that you may not mistake the Law, it is very true, the words of the Statute of *Richard* the 3d. sayes a mans Goods shall not be Seized before Indicted; you must understand the difference of the Law, that has made the mistake, it was then good but not now, then a mans course was to Indict them and Processe against them before committed, but now it is altered, for when it remained indifferent whether Guilty or not Guilty, he was to be maintained out of his Goods, so ought you and your Family, for the Town being answerable for the Goods of such a Felon, that they might not be amerced, in such cases sufficient Sureties were given, the Statute of *Philip* and *Mary*, that gives the power of committment by Justices of Peace; and so now it is quite altered, and though they cannot seize the Goods, yet they being responsible for them, they ought to have good Security.

Sir *Rich. Ford.* I do assure your Lordships that from the very first hour we put our people into the house none of his Family there then or now have been denyed any thing in the house, if I be not misinformed that very night that he was committed there was conveyed out of his house for his use and his occasions some say 200 *l.* they that say least say 100 *l.* they have had a free Disposal of what was in the house, and then my Lord could we do lesse then what we have done?

Turner. I would have made a short businesse of this, I tendred Security of 5000 *l.* to their own content, they excepted of the persons, but one standing by, said by no means; and so it is still undone. If you please I have Security now.

L. Ch. J. Hide. There needs not much a-doe for Security, if your Tryall was not to be presently, then there were cause for you to insist on this, but now there is but one night, if you want any thing for this night, the Sheriffs here offer you what you will, to morrow will determine the Question, whether these Goods are yours, or no.

Turner. I will submit to the Court, I will not be refractory; here is Security if you please, if not, I am content.

L. C. Just. Hide. If you want any thing, either money or Cloaths, or any thing else, you may have them.

Turner. My Lord, the greatest thing will be some writings and papers which will concern me at my Tryal to clear me then.

L. Ch. J. Hide. Do this, nominate one person, the Sheriff another to go with him, and what writings you will have brought they shall take a note of them and bring them to you.

Turner. I have divers writings of Gentlemens Estates, Bonds and things in my hands, and the papers are amongst them, and I do beg I may with the Keeper go my self now.

L. Ch. J. Hide. I cannot, nor the Court give you leave, you stand Indicted for Felony and Burglary.

Turner. Let my Sons go, my Lord.

L. Ch. J. They are Indicted too, and are not Bailable, if Mr. Sheriff (who is answerable for you) will send any with them he may.

Sir Rich. Ford. I shall be willing to serve you (Gentlemen) so far my self, if your Lordship will spare me from further Service here to go with such person as he shall appoint.

L. Ch. J. We leave that to Mr. Sheriffs Civility, we can give no rule for it.

Turner. I may be cut off of my life, if I want my papers.

L. Ch. J. Bridgman. Doth your life depend upon this Evidence in matter of fact?

Turner. My Lord, I have been so strangely handled in this business, I know not where it depends.

Sir *Rich. Ford.* If he will say in what Trunk or Chest they are in they shall be brought to the Court. [Thereupon *Mr. Turner* offered to send a Pillonbeer, and the Sheriff said he should have the writings.]

L. Ch. J. Hide. Provide your self for to morrow Mr. *Turner*, we will then go on.

Turner. I have an humble request to your Honours and Honourable Bench, I would beg an Order to bring in some Witnesses who are Mr. *Tregon's* friends now, though mine lately; divers

divers would come in, but send me word they dare not, except they are Summoned by an Order of your Lordships.

L. Ch. J. We will help what the Law will do, but this cannot be done, those that will come in voluntarily may; the Law will not admit us to Summon any Witnesses; you see when any come against the King, we cannot put them to their Oaths, much lesse can we precept them to come.

Turner. Pray my Lord let some of the Sheriffs Officers, with them to come, not from the Bench.

L. Ch. J. We cannot direct any thing in't.

Turner. I desire the Party himself may be here.

L. Ch. J. We cannot compell him.

Turner. Then I have no Witnesse in the world; this is a sad thing, that the Persecutor being able will not come, I hope you will advise him to come.

L. Ch. J. The Law is open, the same to every man, you shall have that that is due to any man, you cannot have more, and lesse you shall not have, if he be bound we will call him.

Turner. What if he will forfeit his Recognizance.

L. Ch. J. We cannot help that, but we think you need not fear his not coming, he intends to be here.

And afterwards the Prisoners were conveyed back to the Goal.

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16. *January in the Morning.*

The Court being set, and Proclamation made, the Jury was call'd,

viz.

William Bookey.	*Tho. Hickson.*
Tho. Stawell.	*John Andrews.*
Will. Allin.	*John Jacob.*
John Port.	*David Edger.*
Francis Coles.	*Hen. Hague.*
Robert Masters.	*Lewis Tayo.*

Who severally answered to their Names.

Clerk.

Clerk. Set up *James Turner*, *John Turner*, *William Turner*, *Mary Turner*, and *Ely Turner*. [Who (with some Felons) were accordingly set to the Bar.] You, the Prisoners that were last called to the Bar, those men that you shall hear called and personally appear, must passe between our Soveraign Lord the King and you for your several lives and deaths. If you or any of you will Challenge them or any of them, you must challenge them when they come to the Book to be sworn, before they be sworn.

Silence Commanded twice.

Clerk. William Pookey, Look upon the Prisoner: You shall well and truely try, and true deliverance make between our Soveraign Lord the King, and the Prisoners at the Bar, whom you shall have in Charge according to your Evidence: So help you God. And so all the rest were sworn, save only *Lewis Tayte*, against whom he excepted, there being some little difference at present between them; but my Lord Chief Justices told him he need not give any reason for it, he was free to except any without cause. Thereupon Capt. *Edward Adcro* was sworn in his roome. Count these, Cryer. *William Pookey*, &c. twelve good men and true, stand together and hear your Evidence.

Clerk. Cryer, make Proclamation. O Yes! If any man can inform my Lords the King's Justices, the King's Serjeant, or the King's Attorney, before this Inquest be taken between our Soveraign Lord the King, and the Prisoners at the Bar, let them come forth and they shall be heard, for now the Prisoners stand at the Bar upon their deliverance; and all others bound by Recognisance to give Evidence against any the Prisoners at the Bar, come forth and give evidence, or else you will forfeit your Recognisances.

Clerk. Cryer, Call *Francis Tryan*, *William Hill*, *Fred. Ivans*, *John Garret*, *Jacob Watcher*, *Eliz. Fry*, *Ann Ball*, *John Gurney*, *Francis Millington*, *John Alsop*, *Peter Galley*, *Ralph Tasker*, *William Dames*, *John Rouse*, *Richard Robbins*, *Nath. Clarke*, *Robert Cole*, *Edward Cole*. They all came into the Court.

Clerk.

Clerk. *James Turner* hold up thy hand; and so the rest.

Here the Indictment was read again; Upon this Indictment they have been Arraigned, and thereunto have severally pleaded Not Guilty, and for their Tryalls have put themselves upon God and the Countrey, which Countrey you are: Your charge is to inquire whether the said *James*, *John*, and *William Turner*, or any of them, be guilty of this Felony and Burglary in manner and form as they stand Indicted, or not guilty; and whether the said *Mary* and *Ely Turner*, are guilty of the Felony as Accessaries to the said *John*. If you find them guilty, you shall enquire what Goods and Chattels, Lands and Tenements, they or any of them had at the time of the Commiting this Felony and Burglary, or at any time since; if you find them not guilty, you shall inquire if they fled for it, if you find that they did fly for it, you shall inquire, *&c.* as if you had found them guilty. If you find them not guilty, and that they did not fly for it, say so and no more; and hear your Evidence.

But if you acquit *James*, *John*, and *William Turner* of the Felony and Burglary, then you shall not inquire after *Mary* and *Ely* as Accessaries.

Sir *Thomas Aleyn* sworn. The Evidence that you shall give, *&c.*

L. Ch. J. Hide. Pray Sir *Thomas Aleyn* tell your knowledge to the Jury.

Sir T. A. May it please your Lordships, and you Gentlemen of the Jury; Upon Friday morning last was seven-night, I heard of this Robbery at [illegible] *Hall*, and the person robbed being my acquaintance, I went to visit him in the afternoon, and coming there, not thinking but the businesse had been already examined, several persons with Mr. *Francis Tryan* put me upon the businesse to examin it; I went and examined the two servants, the Man and the Maid; upon their examination I found they had supped abroad at a Dancing-School, and had been at Cards and came home afterwards; but before they came home, they heard that an ancient Gentleman one Mr. *Tryan* was robb'd, and then they haftened home: I examined them further, whether they used to go abroad after their Master was in

in bed; the Man confessed he had been abroad twenty or thirty times at Coll. *Turner*'s House at Supper about a year since; the Maid denied they had been there at all; but it is true the mans saying he supp'd there (though it was false) was the first occasion of suspicion of Coll. *Turner*. When I had examined these two, I went to the Examination of *Turner*, where he was all that day, where at night? he told me, at several places and Taverns, and in bed at nine of the Clock, and was called out of his bed; but having my self some suspicion of him; I wished him to withdraw; I told Mr. *Tryan* that I believed if he was not the Thief, he knew where the things were; the old Gentleman said he could not mistrust him, he had put a great Confidence in him; but I desired him to give me leave to Charge him with it, and thereupon I called him in, but he denied it, but not as a person of his Spirit, which gave me some cause of further suspicion: I desired to search his house, nay, told him I would whether he would or no; he desired to go home, I told him if he would go with them (some persons there) he should, but you shall not speak with your Sons, or Daughters, or Servants, they shall be examined by me; they searched his house, the Marshall and Constable, they said they could find nothing. The old Gentleman was very unwilling to charge him with Felony, some friends there were as well satisfied as I was that he was Guilty of it, and they brought me a Paper that he would charge him, and thereupon I wished him to read that Paper, told him I could do no lesse then send him to *Newgate*: Sayes he, you will not undoe a Family will you, will you not take bail? No I cannot. What proof have you materiall against me? I will give you as good bail as any man, give me leave to speak with Mr. *Tryan*, I did give him leave; he had no sooner spoke with him but Mr. *Tryan* would not charge him, he promising to indevour to find the Thief. I took Mr. *Turner* on one side, and told him, I did as verily beleive if he was not the Thief he could find him out, as I beleived I should go home to my Wife and Children; and I said that if an Angel from heaven should come and tell me otherwise, I could hardly believe it. This passed on this night, I could not sleep all the night; for it

was

was in my thoughts that this man was the man that had done the Robbery; next morning after 9. there came a Gentleman to me, a person of quality, a Merchant, if your Lordship desires, I shall name him.

L. Ch. J. Pray name him.

Sir *T. A.* It was Alderman *Love*, my Lord, he told me that he thought I was a friend to Justice, if I would go presently into the *Minories* my self, I might discover the person that robb'd Mr. *Tryan*, if I staid or sent others, the Birds would be flown, Mr. *Turner* has this morning re-moved several hundred pounds; I went presently with a Footboy, when I came to *Bishopsgate*, meeting with Major *Tucker*, knowing not whether I went without the Liberties, said I to him, Are you in haste? Pray go a long with me, and he went with me.

This Gentleman, Alderman *Love*, told me, I should meet with a Maid Servant of his that knew me though I knew not her, she will meet you at such a Corner, and go with you: when I came without *Algate* I met with two Maids that were the persons to shew me the place, the Maid told me these were the Maids, I bid them come behind me; at the further end of all the *Minories* I went into a shop, and found Col. *Turner* with his hands in a Chest, I charged him to take nothing out, and not to stir himself, there was two Wallets; one of a 100 *l.* the other 200 *l.* I took the Keys from him, laid them upon the Compter; I went with him into the next room, which was the Kitchin, and in another Chest was two Wallets more, and now the Gentleman was speechlesse; I told him it was just as I told him the last night; that your Roguery would come out; what (said I) is become of the rest of the money? sayes he, your hast will spoil all; I called in the Maid to examine her, but she was fearful, and so trembled there was no examining her before Col. *Turner*; But in conclusion, said I, Col. *Turner* if you will tell me whether this be Mr. *Tryan's* money, I will do you all the favour I can; sayes he, I cannot say it is his money; I called for a Constable, and made a *Mittimus* to send him to *Newgate*, thinking he would discover the Truth; said I,

will you give me your Examination? he did, it is in Court, I asked him whence this money came? he told me it was removed by himself, his Wife and Children, this morning.

Turner. My Son and I, I told you.

Sir *T. A.* I asked him where he had received it; he told me at a Goldsmiths 14. dayes since, he did not remember his name; I asked why he should remove his own money, his answer was, he did remove it for 2, or 3, dayes, till this foolery was over.

When I saw I could get nothing further from him, I discourred with him touching the remainder of the money and the Jewels; sayes he, Sir *Thomas*, do not trouble your self, you will lose the Jewels and the rest of the money by this course; and (sayes he) I am now in pursuit of them, if you will give me leave to go to the old Gentleman, I know all will be well. I was not content to let him go, but presently we called a *Hackney Coach*, and my self, and him, and Major *Tucker* went, and carried that money to Mr. *Tryan*; when we came there, I told Mr. *Tryan* I thought we had brought 500 *l.* of his money, and I did not doubt but I had brought a person that could tell of the rest of his money and jewels. Col. *Turner* desired to speak with Mr. *Tryan* himself in private; I gave him leave; he calls me a little after, Sir (sayes he) Mr. *Tryan* and I are agreed, I must have this money delivered to me again; I have assured him he shall have all his money and jewels again by Three of the Clock this Afternoon. I told him I could not agree that he should have the money back again, prest him that he would stay there, and send for the rest of the money and jewels; but he would (if I did not) trust him, Mr. *Tryan* would have the rest of his money and all his jewels again.

Turner. I said I would endeavour it.

Sir *T. A.* If he had said he would have endeavoured it, I would not have parted with him, but he said he should have the money and jewels, &c. I told him I would meet him at that time at Mr. *Tryans*. Then I took Mr. *Tryan*, and said what ever promise you have made in private, you must excuse

any assenting to any thing against the Law: but do not tell him of it, lest you lose the Jewels; I must commit him to *Newgate*, and I must bind you to prosecute him: he desired me I would not come so soon as 3, but till 4, nor 5, of the Clock, and all would be brought thither; I staid till about 4. In the Interim, I heard some particulars what these Men's would testifie; which testimony had I received before I parted with him, I would not have parted with him for any consideration: But when I came thither in the Afternoon; I heard Col. *Tower* was Arrested, and was then at the *Hoop*-Tavern with the Officers, I sent immediately the Marshal and his men to bring him to me. The Officers and he came, and then Col. *Tower* told me, I had brought all these things, but the Officers prevented me: I was a very unfortunate man; give me but leave till to morrow at 9 of the Clock, and you shall have all. Said I, I have now heard more, and you must produce the money and Jewels, if you expect any favour from me, or I know what to do. He pressed very hard an hour, or almost two, that he might be trusted to go for them; if he did not go, Mrs. *Morgan* would lose the value of his money and jewels; I told him I had rather they should be all lost, than I should forfeit my discretion and reputation. And thus he kept us till 7 or 8 at night; but last he would have gone with one person; I told him no, three were enough to secure you, I might give leave; saith he, the party will not for more then one, for his Life would be in danger. Whether would you go? I would go, saith he, (to my best remembrance) to *Town-Hill* or *White-Chappel*; I should have met him at 5 of the Clock, and now I must meet him about 9. I will call in the Officers; they will tell you, your being upon a Judgement they will not part with you without the Liberties; nor will I give leave, because the Sheriff will blame me. The Officers saith they could not go without the Liberties, for it would be an Escape in Law; pray give me leave to go neer those places, and I will send one, then you may as well send from hence; he begged leave to go to the *Hoop*-Tavern and send for his Wife, which I did grant; and there he did send for his Wife; they brought me him

mord he had sent his Wife for the Jewels, and the rest of the moneys; he sent to me not to think the time too long, for he had notice his Wife was coming; I directed the Marshal when his Wife came he would secure her. About a 11 of the Clock they brought his Wife, who told me she had delivered the Jewels; they thought they were in two Bags. Then he came to me, and desired to speak with Mr. *Tryan* in private, and told me Mr. *Tryan*'s Soul was pawned to him, and his to the Thief; that no discovery should be made; but when I examined his Wife, what money went from her house that morning, she said she knew of none. Where had you the Jewels? she knew of none, but she had a couple of Bags that she was sent for; neer *Whitechapel* or the *Tower*, a person should meet her, and ask what she did there, and she should say she walked up and down for something that should be given her by a person; which if he did, she was to bring into him that sent her. He did deliver the two Bags, which she delivered to her husband, but what was in them she knew not. There was Sir *Tho. Chamberlain*, Mr. *Millington*, my self, and Col. *Tower*, with Mr. *Tryan*; the two Bags was laid upon a Dresser; he told us they were not to come, and having performed his part, he hoped Mr. *Tryan* would perform his. Have you performed your part? have you brought the Jewels and the remainder of the Money? He told us the money was not brought, for the 600 l. I shall give Mr. *Tryan* my Bond, to pay him at 6 Months; we prest to see the Jewels, we run them all over. But I should have told you one thing, she brought a Cats-head eye-ring upon her Finger; this the Gentleman was like to forget, he delivered it to me to deliver that with the rest. When we had told out the Jewels, we crossed them out upon the printed Paper as they were called; she said all that was in the Paper, except one Carcaner of Diamonds and Jewels valued at 200 l. that is fallen behind the Chest, or aside. You have 2000 pounds worth of Jewels over what is in the Paper, but that Carcaner shall be forth coming. He now pressed that no prosecution might be, for two Souls were pawned (as I said before) and desired an end of the business. I told him further

and

and pressed him; said I, I have staid a great while, and would stay longer, if he might have the Ocean and the Carcanet: but when I saw there was nothing more to be got from him; now (said I) what would you have this poor Gentleman to do for you? what he hath promised you I know not, he is a stranger to the Law; if there had been but you two had it, and it had not been published to the world, and the Neighbors publique Examination taken; somewhat might have been between your selves: But would you have this Gentleman bring himself into danger? he will lose all his Goods again, for he will be indicted himself; what will he be the better for discovery, when he must lose his Jewels and money; and be liable to a Prosecution as you will be, were he so ignorant? Do you think that I understand the Law no better, being a Justice of Peace, to bring my self into danger; all the kindnesse I can do for you is, (to be shorter) I must send you and your Wife to *Newgate*.

How say you, Master Alderman? then I had better to have kept the Jewells; those were his Words, to the best of my remembrance he said so.

My Lord, I asked him several Questions, Why he should give a Bond for Six hundred pounds if he was not concerned in this businesse, but he knew not what to Answer; saith he, will you not take bail? Said I, I can take no bail, I must send you to the Common Goal, and then I am discharged; pray send me to the Compter; no, I cannot; do you think I would make an escape? I cannot tell, but I will not bring my self into danger; he prayed me I would give him leave to go home; I must make my Warrant; If the Marshal and Constable will do any thing, I shall not direct them.

He desired his Wife might go and fetch some Linnen.

L. Ch. J. Bridgman. What day were the Jewels delivered?

L. A. Saturday.

L. Bridgman. Thursday was the Robbery, Friday he was Examined, Saturday the Money was removed, and that night the Jewels were brought and he committed.

Sir

Sir *T. A.* If I have said any thing that he is not satisfied, wherein I have not true spoken, let him ask me, I shall not do him the least wrong.

L. Ch. Just. Hide. Do so Mr. *Turner.*

Turner. Do your Honours understand of Sir *Thomas* the time the Robbery was committed? I shall ask him some Questions.

Sir *T. A.* I have only one word more to say to you, that before he went to the *Hoop* Tavern. Nay (said I) Coll. *Turner* be ingenious whether this was not Mr. *Tryan's* money that he removed, and he confessed it was.

L. Ch. Just. Hide. That money was removed from his own house.

Sir *T. A.* Yes, but his Wife, Children, and Maid, denyed it.

L. Ch. Just. Hide. Mr. *Turner*, will you ask him any Questions? what are they?

Turner. I would ask all this back again, you are upon your Oath, Mr. Alderman.

L. Ch. Just. Hide. You need not tell him that he is Sworn, the Court and Jury understand it so.

L. Bridgman. Go on Mr. *Turner*, ask your Questions.

Turner. My Lord I demand of Sir *Thomas Aleyn*, whether I did not tell him at the first, there was a wicked young man had belyed my house and Family, saying that he supped there that night, when he had not supped at my house these Twelve Moneths.

Sir *T. A.* I think I have done him that right already, he desired me to Examine that young man, who said he supped at Coll. *Turner's*, but I found he had been not was not there.

Turner. Upon *Friday* night when the Alderman pressed me concerning the thing I told him, I had some suspition of some persons, who formerly should have robbed Mr. *Tryan* a year agoe, and I employed *Mosely* the Constable and Mr. *Tryan's* man to go to *Ratcliff*, and I went another way.

Pray

Pray ask Sir *Thomas* whether I did not promise him to do all I could.

Sir *Tho. Aleyn.* I pressed him hard, he said he would endevour it.

Turner. Whether did not I tell him that that money was carryed there on purpose to gain the other Fellowes that had the Jewels. Said I, if this money be taken away, he that hath the Jewels will not bring them, and the remainder of the Money; but that this Money must bring him to it that they might share it.

Sir *Tho. A.* There was not one word of this, his Examination was contrary; he told me 400 *l.* was received of a Goldsmith; he knew not his name, and 200 *l.* was in his owne house, and that he removed it for two or three dayes till this foolery was over; he said it was his own money, I said an honest man need not thus remove his own money.

One thing I have omitted, when I was examining of him in the *Minories*, word was brought me his Son was fled away at the back dore; I bid them run after him, but they said they saw him leap over a great Ditch; he was not heard of till Yesterday, though I sent out my Warrants for him.

L. Ch. J. Hide. You sell (as Sir *Thomas Alleyn* sweares) said you knew not of whom you had part of the money, but the other was your own, and yet afterwards that the money was *Tryan's*; why did you say so?

Turner. I will tell you the reason, I would not have my business spoiled, and did feign those answers. My Lord, I do demand of him whether Mr. *Tryan* and I had not made a Bargain in the morning, whether or no if he might have his Goods the person should be free, and that he had agreed no blood should be spilt, that he had rather lose all his money and Jewels then to forfeit such an asseveration which the Theft had bound me, that I should swear to him, that by the blood of Jesus Christ that was shed for him and all Sinners, his life should bin free.

L. Ch. J. Hide.

L. Ch. J. Hide. You are beside the business.

Turner. My Lord, I ask Alderman *Allen* whether I did not tell him this.

Sir *T. A.* I told your Lordships two souls were pawned, as he said before.

L. Ch. J. Hide. Do not spend your time thus, the question's short, whether you are Guilty of Robbing, or breaking the House of Mr. *Tryan*, or not.

Turner. I am as free as any man here.

L. Ch. J. Hide. They will not beleive your own words.

Sir *T. A.* I think I have done him no wrong by this Evidence.

Turner. I hope, my Lord, I shall have the benefit to call him again for a Witnesse for me.

L. Ch. J. Hide. You may ask him now.

Turner. No, when I come to my defence.

L. Ch. J. Hide. Yes, yes.

Turner. Oh your Honours most humble Servant, I am very sorry I have put you to this trouble.

Mr. *Tryan*, his Servant, and Mr. *Garret* Sworn.

L. Ch. J. Hide. Mr. *Tryan* pray (as you are able) give an accompt of this businesse.

Tryan. My Lord, about Eleven of the Clock or some thing past, upon Thursday night last was a Seven night, two men came into my Chamber, when I was fast asleep, one on the one side, and another on the other side of the bed, one had a Lanthorn that opened on one side and naked at me, when I saw him I was much astonished (as I might well) knew them not, said, my Masters, who are you? I was newly out of my sleep, being an ancient man, I apprehended another man for the party I spoke to, but was not the man, and named him by his name, What do you do here at this time a night? What is your businesse? said nothing to me, one took both his

my hands, the other with a little cord bound me very hard, insomuch here yet is the dents of it; and bound my feet, gagg'd me, and used me barbarously, most inhumanly I must suffer it, because I could not tell how to avoid it. When they had done, they told me this withall, you shall not lose a haire of your head; I knew not their intentions, I fear'd what it was, for when they had done this, they left me, I had no body could come to me in my house, my Servants I knew not upon what grounds they were forth at supper when I a bed, which was of ill consequence; after I had been an hour in this manner, I rolled my self out of my bed, and fell down, and saving your Lordships presence, a chamber pot fell, broke, and I fell upon it, and very much hurt my self upon the pieces of the pot, and so with much ado it pleased God, I know not how my self, I got to the chamber window which lay to the Street, I called out Murder and Theives: my Neighbours said, I call'd with so strong a voice they wondred to hear me; quickly after many of my Neighbours came in, and one Mr. *Peter Vanden Ancor* a Dutch man, that selleth Rhenish Wine, he came in and unbound me; and so after I was unbound, I went down to the Ware-house as I was, without cloaths about me, onely my wastecoat and shirt, and saw that they had been there. I considered those that had done the thing, were very privy to my house; they knew where to fetch the Key of my Cash, in a drawing box, taking the mony there, which was about one thousand and odd pounds; some place there was they did not meddle with it.

L. *Ch. J. Hide.* How came they by the Jewels?

Tryon. I forgot something concerning some Jewels, these Jewels were in a drawer under my Table in the Compting-house, he was privy to that, because he did frequent my house very long, and was very familiar.

L. Ch. J. Hide. Who was privy to all this?

Tryon. James Turner.

L. Ch. J. Hide. Mr. *Turner*, would you ask Mr. *Tryon* any Questions?

Turner. By and by when I come upon my proof.

William Hill Mr. *Tryon*'s man ſworn.

All that I can ſay is this; when *I* went out I locked the door double, and thoſe things were there then.

L. Ch. J. Hide. About what time?

Hill. Seven or eight of the Clock.

L. Ch. J. Hide. Was he a bed then?

Hill. Yes my Lord; when I came home again, I found all theſe things gone; going down into the Compting-houſe we found ſome Jewels gone and ſome left, and thoſe were inconſiderable to thoſe that were gone; the beſt were cull'd and gone: on Saturday Collonel *Turner* was Arreſted with two Serjeants, and ſent the boy at the Hoop Tavern for me; I took two friends with me, Mr. *Gurney* and Mr. *Pilkinton*, he prayed me to ſpeak to my Maſter that he would give Bond for him that the Serjeants might diſcharge him, and he haſt about his buſineſs, or elſe it would be ſpoyled; proceeding into ſome diſcourſe, *I* was ſaying to him, it was a great providence that *I* and the maid was not then at home, for if we had we ſhould have been killed; he anſwered, ſaith he, no, they would onely have bound you and the maid: *I* asked him how it was poſſible to get in? he anſwered, one went through the Entry in the day time, and there lay till night, went up ſtaires, found a candle, light it, went up to his Cham er, took the Key and went down and let in others.

Turner. This ſtory I was informed *I* told him.

Hill. I asked him how he came to know it, he ſaid he examined them.

L. Bridgman. Did he never tamper with you about making Mr. *Tryon*'s Will?

Hill. Yes my Lord, he came to me about a year ago, I went with him to the *Cock* behind the Exchange, it was in a morning, he took me privately aſide, told me the old Gentleman your Maſter is very ſickly, cannot live long, had a good Eſtate, or to that purpoſe, and it was pity he would never make a Will, and ſuch an Eſtate ſhould go

to

to the Building of *Pauls*; ſaith he, I have preſt him ſeveral times touching making his Will, he ſaid he had done it, when we both knew he had not, and I believe he will not make one. He told of one that could Counterfeit a hand.

L. *Bridgman.* Was it not *Grainger?*

Hill. Yes my Lord, that that man could Counterfeit a Will, and I and Mr. *Garret*, and another good fellow ſhould be the three Executors, and a third perſon Overſeer, and that would pleaſe the old man; I anſwered, I would not have to do in ſuch an unjuſt thing for all the world.

L. Ch. J. Hide. Did you go to *Turners* to Supper that night this Robbery was committed?

Hill. No my Lord, to Mr. *Starkey*'s in *Fanchurch-ſtreet*, the Maid went along with me.

L. *Bridgman.* One queſtion more, you ſaid you came in and found the doors open, did you come in before the Neighbours?

Hill. No my Lord, I had not known of it but that one Gentleman at Supper went home with a Gentlewoman in *Leaden-hall-ſtreet*, and hearing there was ſuch a Robbery in *Lime-ſtreet*, I run with a great fright, came in and found the doors open, and found the Neighbours within.

Turner. The thing underſtood touching the Will hath another face; his Uncle was an acquaintance of Mr. *Grainger*, his Uncle that bound him Apprentice that lived in *Cripplegate*, now in *Cornhill*. This *Grainger* had counterfeited a Will touching my Lord *Gerrard*, and ſome body elſe about an Eſtate; ſaid I to this young man, you have an Uncle acquainted with a notable fellow, one *Grainger*, and your Maſter making no Will (ſpeaking merrily) this fellow is able to make it for him. Ask him if I did not tell him his Uncle was acquainted with ſuch a perſon.

Hill. You told me ſo indeed.

L. *Bridgman. Hill*, by the Oath you have taken, did he not perſwade you to endeavour that you and he and *Grainger* ſhould counterfeit a Will.

Grainger ſhould counterfeit a Will.

Hill. He did my Lord; he told me, That I, Mr. *Garret*, and another good Fellow, ſhould be the three Executors, and another perſon Overſeer, and that this *Grainger* could do it undeſernably; I anſwered him, I would not meddle with it for all the world.

Turner. Go, go, go, this is malice, for it was meer jeſting with him.

Elizabeth Fry ſworn.

Mrs. *Turner* came to my houſe on Saturday morning laſt, at ſix a clock in the morning; ſhe knocked me out of my bed, I asked who was there, ſhe ſaid, A Friend; who are you ſaid I? Come and ſee, ſayes ſhe; I ſaid, who, Mrs. *Turner*? ſhe ſaid, yes; I went and dreſſed me, and let her in; ſhe ſaid, there was a Friend of hers, a Merchant newly broak, he had a Wife, and ſeven or eight children; they deſired to ſecure the money till they had taken their Oaths the money was not in their houſe. She ſaid, her Husband and her Son *Ely* was coming with it. I went and lighted a Candle, there was ſhe and her Son *Ely* with the money; ſhe asked me, If I had a ſpare cheſt; I ſaid, Yes, there was one within; ſhe went in, opened the Cheſt, and ſhe put in the wallets of money, I know not how much, my Lord. I asked her if there was any more to come, ſhe ſaid, Yes, her Husband was coming with more; ſhe went to the door and let it in, but I know not who brought that.

Juſtice Bridgman. Did not Mr. *Turner* come in?

Fry. Yes, my Lord, he opened the bags, and asked his Wife touching the Seals; She ſaid, the Gentlewoman that owed the money, had deſired me to pull them off. They offered me twenty ſhillings for my kindneſs in it, told me, they had power to give it from the Gentlewoman; deſired me if my ſiſter or any ſhould ask about it, bid me conceal it, becauſe the diſcovery would ruin the poor Gentlewoman

man and her Children, but rather to ſay, that they deſired me to let ſome linnen lie there.

L. *Ch. J. Hide.* Were the bags ſealed?

Fry. I ſee none ſealed.

L. *Bridgman.* How many wallets were in the ſhop?

Fry. I ſaw but three, and they put one into a Cheſt in the ſhop, and two in the kitchin.

L. *Ch. J. Hide.* At that time when the mony was brought, was there any diſcourſe of a 1100. pound?

Fry. To my beſt remembrance it was ſo.

Turner. Not a word of the ſum.

Fry. There was five wallets brought into my houſe, three in the ſhop, two in the kitching.

L. *Ch. J. Hide.* Had they bags at each end?

Fry. Yes, my Lord?

Sir *T. Aleyn.* You hear what the wench ſayes, ſhe ſayes, there was five wallets, three in the ſhop, two in the kitchin; *I* took two in the ſhop, and only one in the kitchin.

Fry. My Lord, *I* have two apprentices little girles, when all the people were in the ſhop, ſaid out aloud, that they ſaw Mrs. *Turner* go out of the ſhop with ſomething in her Apron, covered with a red cloth, while *I* was above, my Lord.

Turner. Who ſhould convey it away?

L. *Ch. J. Hide.* Your Son was there.

Turner. Pray my Lord, ask her, which is *Ely*.

Fry. That is, pointing to *Ely*.

Turner. It was falſe, this *Ely* carried none, the Boy knew nothing of it; both my Sons are dear to me, and if either more then the other, it muſt be my eldeſt, and yet *I* muſt ſay, it was *John* my eldeſt Son that carried the money, this Boy was at home; She hath forſworn her ſelf.

Fry. Your wife told me that *Ely* was to bring ſome.

Mr. *Gurnet* ſworn.

My Lord, *I* met with Collonel *Turner* on Saturday morning after the Robbery, he told me, ſayes he, *I* have been

as

as good as my word, *I* ſent my Son to make ſome diſcovery of this buſineſs, and *I* did not doubt but to clear my ſelf of it, and make a diſcovery; this was on the *Exchange*: ſays he, *I* have met with them. With what? with the Jewels and Money. Where are they? *I* have brought five hundred pound, the reſt with the Jewels, *I* ſhall have at three a Clock this Afternoon; Will you be there? Yes ſaid *I*, who were they? they were Friends. Friends, what and uſe him ſo barbarouſly? O ſays he, they were two ſtrangers, they went beyond their Commiſſion.

Maj. *Ralph Tasker* ſworn.

On *Saturday* morning, I met Sr. *Thomas Aleyn*, paſſing by he called me; ſays he, there is a buſineſs in hand, pray go along with me. We went along through *Algate*, and into the *Minories*, and paſſing along the *Minories*, theſe two Maids we overtook, and asked them where the houſe was; they ſhewed us; we went in, Mr. *Turner* was there, his hand in the Cheſt, Sir *Tho. Aleyn* ſtayed it; we ſeized the Money; there was two bags of *Buckeram*, I conceived there was two hundred pound in either of them, and another in the Kitchin, Sir *Tho. Allen* deſired me to ſecure them; I ſaw a Fellow play bo peep in a back-room, and preſently was a noiſe, he was fled and gone; his ſon they ſaid it was; Sir *Thomas Aleyn* preſſed very hard to Mr. *Turner*, and deſired to know whoſe Money that was; Says *Turner*, by the Eternal God it is my own Money, with many other proteſtations; a Conſtable was ſent for, and we carryed the Money and *Turner* in a Hackney Coach to Mr. *Tryon*, and there left the Money on a Table with Mr. *Tryon*; they had ſome diſcourſe; *Turner* came forth and ſaid, the Old Gentleman and *I* are agreed, *I* will truſt the Money no longer with you, but with the Old Gentleman himſelf; ſaid *I*, let me be diſcharged of it, do what you will with it.

L. *Bridgman*. Did you ſee the Bags out of the Wallets?

Sir *T. Alyen*. We ſaw one which was ſealed *I* think, with the biſhop of *Chicheſter*'s ſeal.

Ann

Ann Ball ſworn.

On *Saturday* morning Mrs. *Turner* came to this Maids houſe, and deſired to come in; ſhe ſtept out of Bed, and asked who was there? ſhe ſaid, a Friend; ſhe went to the door and asked who was there? Mrs. *Turner* ſaid, open the door and you ſhall ſee; opening of it, ſhe came in; who is it, Mrs. *Turner*? yes ſays ſhe, what would you have? *I* have a little Money *I* would leave here; this ſhe came and told me; She lighted a Candle, *I* ſaw Mr. *Turner* and his Wife come in, *I* heard a great noiſe and a quarter, *I* lay ſtill, heard not what they ſaid; when they were gone, the Maid told me what they had brought into the houſe; ſaid *I*, *I* thought it had been Pewter; ſaid *I*, if you keep this Money, we ſhall be utterly undone, if you do not tell ſome people of it; ſhe went to her Siſter to make her acquainted with it.

L. Bridgman. You ſaw Mr. *Turner* and his Wife come in?

Ball. I did, but knew not what they did there; ſhe did go to her Siſter, and ſo it came to Sir *Thomas Aleyn* by accident.

L. Bridgman. Now for the Seal, who were thoſe that ſaw the Seal?

Frederick Ixam ſworn.

My Lord and Gentlemen of the Jury, being at the houſe of Mr. *Tryon* on *Saturday* in the Evening, *I* was deſired with others there preſent, to ſee the Bags taken out of the ſeveral Wallets; three *I* think. *I* ſaw them taken out, three had no Seals on, one was very much defaced, and the other had a Seal, which being queſtioned to be the Seal of the Biſhop of *Chicheſter*, it was compared with the Seal of a Letter which Mr. *Tryon* brought down, and declared to be a Letter received from the Biſhop of *Chicheſter*, and thoſe two Seals agreed; the Bags being here in Court will be a further Evidence, the Letter was produced by Mr. *Tryon*, and owned by him to be the Biſhop of *Chicheſters*, and they agreed.

Mr.

Mr. *Hanſon* the Goldſmith ſworn.

The bag ſealed was ſhewn him.

L. Bridgman. Have you ſeen the Letter?

Hanſon. Yes.

L. Bridgman. Doth that Seal and the Seal of the bag agree?

Hanſon. Yes.

L. Bridgman. Mr. *Tryon*, whoſe letter was that?

Mr. *Tryon.* Dr. *Henry Kings* Biſhop of *Chicheſter.*

L. Bridgman. Open the Letter, and ſee whether that be the Letter you received from the Biſhop of *Chicheſter.*

Tryon. Shall *I* read it?

L. Bridgman. No.

Tryon. It is his Hand and Seal.

L. Bridgman. Shew the bag and letter to the Foreman of the Jury; which was done, and moſt of the Jury viewed it.

L. Bridgman. You obſerve this evidence; this was one of the bags that was taken in the *Minories*, that Collonel *Turner* was then removing: Mr. *Tryon* had 600. pounds of the Biſhop of *Chicheſters* in bags ſealed; it appears by the Letter to be his ſeal, and theſe gentlemen ſware this was one of the bags then pulled out of the wallet, and Sir. *T. A.* has had it in his cuſtody ſince.

L. Ch. J. Hide. One thing more obſerve, he asked his Wife when the mony was brought into this womans houſe, have you taken off the Seals? his Wife ſaid, The Gentlewoman directed her to take them off.

L. Bridgman. Some were taken off, but it ſeems this was left on.

Here Turner *ſpoke ſomewhat to the Jury.*

L. Ch. J. Hide. Pray Mr. *Turner* diſcourſe not with the Jury, your whiſpering will do you little good, though *I* think they are honeſt men, and will not be guided by you, yet we expect the ſame carriage from you, as from other Priſoners; you ſhall have all the juſtice that may be.

Cole

Cole the Serjeant ſworn.

L. Ch. J. Hide. Speak your knowledge.

Cole. On *Saturday* in the afternoon about three a Clock, my brother and I arreſted Collonel *Turner* in an Action of ſeven hundred pounds.

L. Ch. J. Hide. At whoſe ſuit?

Cole. At the ſuit of *Thomas Lyon*, who with others was bail for him.

Turner. It was only hearing of this foolery that cauſed it.

Cole. My Lord, we went to the Hoop Tavern, he ſent for Mr *Tryons* man, that he ſhould engage for this account, that he might have his liberty to look after maſter *Tryons* buſineſs; ſoon after came the Conſtable, and he charged us to aſſiſt him to go before Sir *Thomas Aleyn*; by and by *I* was ſaying, Collonel *Turner*, how could this houſe be Rob'd, and none of the doors broke? O ſaid he, I took a man in the *Minories*, who has diſcovered it me; he told me that one going into the Cellar in the Day-time, lay there till night, then went up Stairs, found a Candle and light it, went up to the Old Gentleman's Chamber, took the Key from his bed-ſide, and went down, and let all the reſt of the Thieves in; the young man being there, ſaid, it was well the maid and I was not at home, we ſhould have been killed; no ſayes he, you would not have been killed, only bound.

Turner. As the Fellow told me.

L. Ch. J. Hide. Did he not ſay nothing touching Mr. *Tryons* tooth?

Cole. He ſaid that the Fellow putting his finger in his mouth to gagg him, the Old Gentleman bit him; and he ſtrugling to get out his finger, pul'd out his tooth.

L. Ch. J. Hide. You are very perfect at it Mr. *Turner*, every way.

Turner. I my Lord, I examined him every way.

Cole the Yeoman ſworn.

My Lord, *I* can ſay only what my Brother ſaid before. Tell it. *I* arreſted him, &c. And ſo related in the ſame manner his Brother did.

L. *Bridgman*. Mr. *Hill*, what do you know about breaking your own Desk?

Hill. My Desk was ſafe locked, and the Key in my Pocket, *I* loſt out of that Desk about fourty five pound of my own.

L. *Bridgman*. Where did it ſtand?

Hill. Upon a Table in the Ware-houſe; the Jewels were in a Drawer under the Table in the Counting-houſe.

L. *Bridgman*. How did you leave Mr. *Tryons* door?

Hill. Double locked.

L. *Bridgman*. Who had the Key?

Hill. *I* had.

L. *Bridgman*. Was there more then one Key?

Hill. Alwayes two.

L. *Bridgman*. Who had the other?

Hill. The other Key was in my Maſters Chamber.

L. *Bridgman*. Mr. *Tryon*, how was your own door opened?

Tryon. *I* called ſome of my Neighbours, and Mr. *Vander Anchor* came up to me, it ſeems they had forced open the door with a Crow of Iron.

L. *Bridgman*. The door of your Chamber do you mean?

Tryon. No, the Street-door.

L. *Bridgman*. How was your Chamber door opened?

Tryon. *I* never lock my Chamber door, but pull it too.

L. Ch. J. *Hide*. Mr. *Hill*, the Counting-houſe where the Jewels were, was that lockt?

Hill. Yes, and the Drawer *I* think was lockt, ſometimes he does, and ſometimes he does not lock it.

L. Ch. J. *Hide*. Was the Houſe doors open, or no?

Hill. Before *I* came, the Neighbours had broke open the Door.

L. Ch. J. *Hide*. Mr. *Tryon*, were your Counting-houſe and Till, where the Jewels lay, lockt?

Tryon

Tryon. Ever my Lord.

L. *Ch. J. Hide.* That night?

Tryon. Yes my Lord.

L. *Ch. J. Hide.* Was it opened with a key, or broken open?

Tryon. I know not how it was opened, my key was among a bunch of keys.

Peter Vanden Ancor sworn.

L. *Bridgman.* When *Mr. Tryon* cryed out, you came in, did not you?

Vanden Ancor. Yes my Lord.

L. *Bridgman.* How did you find him?

Vand. I was lately come home, my Daughter heard a great voice of murder and robberies, I went out, and some of the neighbours were breaking open the door, and I was the first that went into the house; and so I went presently up to master *Tryons* Chamber, and found him bound with this rope; and put it into my pocket, and searched about the house, and several neighbours came in.

Chaplain sworn.

I was at the door with master *Vanden Ancor*, we went into the Warehouse and Compting-house, and all open, Cash was taken away without any breaking. Sayes master *Tryon*, all my mony is gone, 1000. and odd pounds; several pieces of plate were there left. We went up with master *Tryon*, and sent for a Chyrurgion to dress his thigh: by this time his man came in, I asked him where he had been? sayes he, I have been at Collonel *Turners* at supper. Where is the maid? sayes he, She is fallen into a swound; some maids came home with her; I asked her where she had been; she said, At one *Chamberlins* a Goldsmiths; said I to her, the man sayes one thing, and you another. A little after comes in Collonel *Turner*, with his Lanthorn, and his hair turned up under a Cap, and there he made a great bustle; I went to *Chamberlins* to inquire touching the maid,

he said, They had been there with a Dancing master. *I* went to master *Tryons* again, We asked him, who he thought bound him? he named one *Chrismas*, but *I* knew him not.

Lord *Mayor*. Did you not find any door that you observed, to be broken?

Chaplain. No, but all opened with keys.

Mr. *Chrismas* sworn.

My Lord, *I* know little of the business, about two a clock on fryday morning, there comes a Constable and other people, and knockt at my Ware-house doors, the mans servant of the house rose up, and asked them who they would speak with? they said, they would speak with one *Chrismas*; hearing my name, *I* rose up, *I* asked what was the matter? they said, they must have me to master *Tryon*, he was rob'd; if he was, said *I*, it doth not concern me; they told me, *I* must go to master *Tryon*; *I* said, he was not a civil man to send for any at this time of night out of their beds; then another Constable came, and said, He would break open the doors; said *I*, *I* am not afraid to come to you, *I* am not the man you take me to be: Nothing would satisfie, but *I* must go; *I* told them *I* would; and then they took me into their charge, & carried me to the *Exchange*.

L. Ch. J. Hide. Who besides the Constable?

Chrismas. Two young men that I know, one *Bagnall's* man, and *Browning's* man; they told the Constable, I was a man of repute, and an honest man; and my word would be taken at the *Exchange* for many 100. pounds: after that they intended to carry me to master *Tryon*; and the Constable of *Broadstreet* carried me to the Counter, there I was till ten a clock; and then the Constable and *Turner* came to me: *Turner* asked me what Justice *I* would go before; I told him it was indifferent to me: Sir *John Frederick*, or the next, Sir *Richard Brown*, or before Sir *Tho. Aleyn*, Sir *John Robinson*; all one to me whom *I* go before, but *I* think it most convenient to go before Sir *Thomas Adams*, because he lives in the same parish with Mr. *Tryon*; we went there, and no man charging me, Sir *Thomas* discharg-

charged me, but desired me, I would go over to Mr. *Tryon*.

L. Bridgman. I observe this Gentleman was of a pretty bulk, somewhat corpulent, and so is Mr. *Turner*.

Turner. My Lord, I humbly beg I may have a stool to sit down, I am troubled with the Gout.

L. Bridgman. You may have one.

Mr. *Millington* sworn.

My Lord, *I* came to *Mr. Trybis* on Saturday in the afternoon, about the evening; and being sent for to come with *Mr. Turner*, he told me of the arrest that was made upon him, and said, that he should not comply with his words, in bringing the Jewels and remainder of the money; he desired me, I would go and intercede, that he might have his liberty to go about the Jewels; but I did not think it convenient to make my self concerned in it; he alledged, that if he did not it presently, the thief would be gone; it was hinted, that they that were with him, might go along with him, the *Marshal* and Serjeants; he said, if so many came, they would fright him away; for he said, he was walking about *Tower-hill* or *White-chappel*. But it was denyed, and could not be granted that they should go, it being out of their liberties; he desired to go near those places, keeping within the liberties, and to send for them; Sir *Thomas Aleyn* told him, he might as well send for them thither. He desired to go to the *Hoop Tavern*, and then some went with him to his house; his Wife was private with him behind a Partition; then he came out and spoke publickly to his Wife, says he, there is a man will be walking all alone, either at *White-chappel*, or on *Tower-hill*, do you go there, if he sees you, he will ask you whether you want any thing, and will deliver you what I told you. We went to the *Hoop Tavern* again, and about two hours after, the Jewels were brought by his Wife; that being done, we went to *Mr. Tryons*, *Mr. Turner* carried the Jewels; being at Mr. *Tryons*, the Jewels were there opened; we found by perusal that there was onely a Carcanet

Jewel

Jewel wanting, of the value of about two hundred pound; and Mrs. *Turner* said, the man told her, that that Carcanet was fallen behind a Chest, but did not doubt to procure it to morrow. Afterwards Sir *Thomas Aleyn* told him, now he could do no less then commit him to *Newgate*; Mr. *Turner* told him, then he had better have kept the Jewels; the remainder of the money being asked for, he said he would be bound for it.

Mr. Maunock Sworn.

Justice Bridgman. What discourse passed between you and Mr. *Turner* at *Newgate*?

Maunock. My Lord, he told me Mr. *Tryon* was to give him 500 pounds to get the Jewels and money, and that he had got him 300 pounds, and most of the Jewels: and that if Sir *Thomas Aleyn* had not secured him, he did believe that he should have had them all; but *Newgate* was not a place to find them out.

L. Bridg. Did he tell you of bringing any money from his own house? that the 500 pounds he delivered Mr. *Tryon*, was proved from his own house.

Maunock. He did tell me so my Lord.

Turner. My Lord, I own it, I shall unfold the riddle by and by.

Sir *Thomas Chamberlain Sworn.*

L. Ch. J. Hide. What know you Sir *Thomas* of this business, pray let the Jury hear you?

Sir *Thomas Chamberlain.* My Lord, on Fryday morning I was at the *East-India* house, keeping Court there for that company; afterwards I went to the Exchange, and being tired, I called in at the Coffee-house, and there heard that Mr. *Tryon* was rob'd; I went directly home and dined, about three a clock I went to Mr. *Tryons* house, an old friend of mine, my Fathers Servant heretofore, I went to visit him, and found a great many people about him; Sir *Thomas Aleyn*, Lady *Garret*, and the Countess of *Carlile* was there; I told him, Mr. *Tryon*, I understand you have been rob'd, Yes sayes he, I have a great loss; I found him very flaggering

gering what he should do; I said, you must now do like a man, or you will lose all; said I to Sir *Thomas Aleyn*, if you do not help the poor man being ancient, he will quite lose all; with that I went up above in the house, Sir *Thomas Aleyn* was pleased to call me along with him, I was by at all the Examinations; I did mistrust, and told Mr. *Tryon* in French, that no doubt but that Gentleman was in the Robbery; the reason was, that he being a frequent man in the house, knew every thing; he was there continually, coming for Jewels and things, and no man could do it but himself; that was my judgement. I told Sir *Thomas Aleyn* assuredly he had a hand in it; my Lord, the while we were examining the Servants, word was brought in, that he was hearkening at the door, and in the yards, which made me more and more mistrust him; we heard that the maid had been gadding abroad several times, I desired Sir *Thomas Aleyn* to examine the maid how often she had Supt at *Turners*, she denied any time; the young man was examined, who said, they had been 30. or 40. times feasted at Collonel *Turners*. My Lord, Sir *Thomas Aleyn* have given you a just account, but he omitted one thing; he had a note sent him which he had in his Pocket touching Mr. *Turners* going about removal of the money into the *Minories*; and before *Turner* came in, he examined mistriss *Turner* upon that note; sayes he, you were there too and carried the mony; sayes she, she is a lyar and a Whore for saying so: Coll. *Turner* came in and said, Why do you torment and vex my Wife? and falling a Curfing, and Swearing, and Banning, said she was with Child, you will make her miscarry, let her alone; Sir *Tho. Aleyn* examined him where he had been that day, and that night; told him of many Taverns, and going to see his Horse, and I know not what, but we found him faultering: when the Jewels were brought, there being two Notes, Sir *Tomas Aleyn* had one, and I another; the Old Gentleman was so joyful to see them again, that lying by him, and handling them, he puld two or three down with his sleeve; Says Mr. *Turner*, come, I know what belongs to them better then any of you.

read

read them over and I will shew them you; there wanting one Jewel, sayes he, that Rogue that has the other money, hath this Jewel, but I do not doubt but I shall find that out too; we put them altogether, and Sir *Thomas Aleyn* sealed them with his seal; For the bags of money *I* saw them taken out, and one being sealed with a small seal, *I* put on both my Spectacles, *I* found a Lyon Rampant at top in one of the quarters; said *I*, this is a seal of some great Person, and then a Jetter was brought down, and being compared, *I* was satisfied in my Conscience they were alike; Sir *Thomas Aleyn* told him he must make a Mittimus for him and his wife; said she, do you send me of your Errands, you shall send some body else another time; *I* thought it would come to this: After much ranting and swearing, (*I* thought the Devil would have fetched him out of the Room) he said, that he had better have kept the Jewels, then to bring them forth, and to suffer for it himself, for he had pawned his soul, and would not reveal it; and said that Mr. *Tryon* had likewise ingaged the like to him; For the six hundred pound, he offered his bond.

L. Mayor. Pray repeat one part of your Evidence again; that was, that some body came to Mr. *Tryons* house, from the house in the *Minories*, charging Mrs. *Turner* to have been at that house.

Sir *T. Chamb.* I said, that before *Turner* came in with the Jewels, Sir *Thomas Aleyn* had received a little note, wherein was affirmed, that *Turner* and his Wife had been there; with which she was acquainted, and swore and took on, she was a Whore for she was not there.

S. T. Aleyn. When *I* examined Mrs. *Turner*, she would own nothing. Why said *I*, will you deny this which is so apparent? that you were there (the meid told you so now) you denyed it when I charged you with it.

Mrs. *Turner.* I did not, it's false, what did.....

Turner. Prethee be patient dear *Mal*, come sit thee down.

S. T. Aleyn. I asked Mrs. *Turner* whether she knew of any money carried to the *Minories* that day; she said, she knew of no money at all; and said she was a whore that said it.

Mrs.

Mrs. Turner. They put it to me that I knew who brought the money to my house, and that a Woman acquainted them so; I said she was a lying Whore that said so.

L. Ch. J. Bridgeman. Mr. *Hill*, what time of night did you go out that night?

Hill. It was 7 or 8 a Clock.

L. Ch. J. Bridgeman. Was the dore locked?

Hill. Yes.

L. Ch. J. Bridgeman. Did you carry the Key with you?

Hill. Yes.

L. Ch. J. Bridgeman. Was there any more Keys?

Hill. There was another above in the Chamber by my Master's bed.

L. Ch. J. Bridgeman. Did you find that other Key when you came back?

Hill. Yes.

L. Ch. J. Bridgeman. In the same place?

Hill. I know not that.

L. Ch. J. Bridgeman. Mr. *Hill*, you have been acquainted with some Transactions between Mr. *Tryon* and *Turner*; was he not employed about a Mortgage?

Hill. Two or three.

L. Ch. J. Bridgeman. Was not the Names of some persons given to you to that purpose?

Hill. We have two or three Mortgages my Master lent him so much money upon: We heard of one man, but whether he gave Order to Mr. *Turner* to take so much money upon the Land, we know not.

L. Ch. J. Bridgeman. Mr. *Tryon*, have you inquired after the persons?

Tryon. No my Lord; I did believe all was true.

Garret. I have enquired after Sir *Theophilus Gilpin*, but cannot find that he has any Estate in *England*.

Turner. My Lord, *Gilpin* onely assignes a Judgement of *Wescot's*.

L. Ch. J. Bridgeman. If that *Wescot* be good, it is sufficient; you should inquire after him.

Sir *Thomas Aleyn*. My Lord; *John Turner* his Son there, fled away from me; when I came to the House in the *Minories*.

L. Ch. Ju. Bridgman. Why did you flie away?

John Turner. I did not, Sir.

Sir *Thomas Aleyn*. No! You ran away as fast as you could; you got over a ditch.

John Turner. My Lord, a Woman cryed out, Get away and save your life; and I not knowing what the matter was, I went away.

Coll. *Turner*. Poor Boy; he thought Thieves had been coming, and affrighted him.

Sir *Thomas Aleyn*. As to *Ely Turner*, I examined him upon the Sunday, the day after his Father was committed, he would not confesse the carrying of any Money; but the Maid swearing it, I committed him also.

Coll. *Turner*. What's that of *Ely*? Upon my Soul, the Boy carried none.

John Turner. I carried what was carried.

Coll. *Turner*. My Lord, one Son is as dear to me as the other, but if either be more, it must be my eldest; but yet I must say, it was *John* my eldest Son that carried the money.

Sir *Tho. Aleyn*. My Lord, *William Turner* was brought before me on Tuesday or Wednesday; Sir *Rich. Blount* sent out his Warrant for him, being a person of evil name, and likely to do such a fact: Being taken, he was brought before me. My Lord, when Mr. *Tryon* looked upon him he suspected him; I examined him, when he saw Coll. *Turner*, he said, not these three years, not to speak to him; and yet one at the *Cock* behind the *Exchange* said, this *William Turner* staid for Coll. *Turner* at his house two hours; that Coll. *Turner* came in, paid for the Pot of drink, and for ought he knew they both went together; thereupon I committed him.

In the Afternoon I ordered this person to send his Servant; one came and made Oath that he came in, and inquired for Coll. *Turner*, asked for him, staid two hours for him; that they

they went both out of the house together; and this was on the Wednesday, the day before the Robbery.

William Deane sworn.

All that I can say in this, *William Turner* was at my house on Wednesday was seven-night last; comes in, and called for a Flaggon of Beer; there comes in a Customer of mine, says he to me, What do you with such a Fellow in your house? have a care of him, he is a dangerous fellow; presently after Col. *Turner* came in and paid for a Flaggon of Beer, and went away.

Col. *Turner*. I drank not with him, did I?

Deane. Not that I saw.

L. Ch. J. Bridgeman. Sir *Tho. Aleyn*, Did not this *William Turner* deny that he had seen Col. *Turner* lately.

Sir *Tho. Aleyn*. He said positively he had not seen him these Three years so as to speak to him; said, he was grown too high for him.

John Rouse (*Deane*'s Servant) sworn.

L. Ch. J. Bridgeman. Do you remember when *Will. Turner* was at your Masters house? which is he?

Rouse. That's he (pointing to *William*) he was there upon Wednesday the 8th of this month.

L. Ch. J. Hide. Did *Turner* (called Col.) come there then?

Rouse. He came, and said he staid for the Col. and by and by the Colonel came.

L. Ch. J. Hide. When he came, what did they?

Rouse. He went to the Bar and paid the reckoning.

L. Ch. J. Hide. What time of the day?

Rouse. About 12. or 1. a Clock.

L. Ch. J. Bridgeman. Did you ever see them both there before?

Rouse. No, I never see them together before, but several times he has inquired for Col. *Turner* at our house.

L. Ch. J. Hide. By the Oath you have taken, Did *William Turner* say he ſtaid for Col. *Turner*, and that after Col. *Turner* came, he paid for the Drink, and they both went away together, and this on the Wedneſday.

Rowſe. Yes Sir, it was ſo.

Col *Turner.* My Lord, I left him there; he followed me to the Exchange about his Arrears, as Twenty poor Gentlemen doe.

Mr. *Garret*, Mr. *Watcher*, Mr. *Pilkinton*, and Mr. *Peter Cully*, Sworn.

Mr. *Cully.* My Lord, and Gentlemen of the Jury, I was at Mr. *Tryon's* this day ſeven-night; as I came from him, I met Sir *Thomas Aleyn*, Col. *Turner*, and Major *Tasker* coming up Stairs; they asked who was there with Mr. *Tryon*? I told them no body; *Turner* deſired earneſtly they would ſtay a little; for (ſayes he) Before God you will ſpoil all the buſineſſe by and by; after he had been a little time with Mr. *Tryon*, he comes forth again, he takes up the Bags of money; ſayes he, theſe belong to me, this is not Mr. *Tryon's* money; he carries it to the old Gentleman; he comes into the room, ſayes he, Gentlemen you may be all gone, the old Gentleman is ſatisfied, his money and jewels ſhall be forthcoming by Five a Clock this Night; Perſons of quality are concerned in the buſineſſe, and the old Gentleman will not proſecute: I asked Col. *Turner* why was the money carried from your houſe to the *Minories*? he ſaid there was none, and did affirm it with an Oath. When the Bags were taken out of the Wallets upon comparing of a Seal of one of the Bags, with the Seal of a Letter produced, I found them the ſame. That's all I can ſay.

Mr. *Watcher.* My Lord, laſt Saturday between 12. and 1. of the Clock came Col. *Turner* on the Exchange, and ſaid that Mr. *Tryon* ſhould have all his money and jewels by three of the Clock that Afternoon, and if any man could ſay that he loſt Six pence of his money, or ſix penny worth of his Jewels, he

he had two Fellowes in custody that should suffer for it; and asking him why the money was that morning removed from his house to the *Minories*, he said with a great Oath, the money was never in his house.

Mr. *Garret*. When Coll. *Turner* brought home the money, he took up one of the Wallets and said, *Jack*, take notice this is my money.

L. Ch. J. Hide. Where was this?

Garret. In my Cousen *Tryon's* house, and that he only left it with my Cousen *Tryon*; when we looked over this money in the Evening we found that Seal, that this Gentleman (pointing to Mr. *Cully*) hath spoke of, it was a little defaced, but yet apparent enough.

Turner. I did say so my Lord, he speaks truth.

Mr. *Pilkinton* Sworn.

I can say no more then hath been said already, I shall repeat it. Being at the *Hoop* Tavern with Mr. *Tryon's* man and others, with the Officers, we were discoursing of his Robbery, and I was saying, that I admired he being so ancient a Gentleman, they would use him so barbarously as hath been related; said Coll. *Turner*, in that they went beyond their Commission, they had no order for it: and being asked how they got into the house, he said one got into the Cellar in the day time, and so related it in the same manner, as several Witnesses before: being asked how his Tooth came to be beaten out, sayes he, it was not with a blow, but the mans finger being in his mouth, he closed his teeth, and strugling to get out his finger, his knuckle thrust out the tooth; and then Mr. *Tryon's* man saying, if he and the Maid had been at home, they should have been kill'd, Nay, said *Turner*, you would onely have been bound.

L. Ch. J. Hide. Now Mr. *Turner* you have heard your Charge, you will do well to make an answer to it, you see what is laid to your charge.

Turner. I my Lord, I shall clear it all, every Syllable of it.

Mr.

Mr. *Marvin's* Coach-man was called and Sworn.

L. Bridgman. Tell the Jury what you know, did you see any people about Mr. *Tryon's* house upon *Thursday* night.

Coach-man. I did, my Lord, I was come by from the Play-house with my Coach, I saw four men, two on one side of the dore, and two on the other side, every one had a Handkercher tyed about his neck, and every one of them had a good Cudgell in his hand.

L. Bridgman. What time a night was that?

Coach-man. About eight or nine a Clock at night.

Lord Mayor. Was their faces turned towards Mr. *Tryon's* dore, as if they were to go in, or to knock?

Coach-man. No Sir, two stood towards *Fenchurch-street*, and two stood toward *London-hall-street*. I did suspect such a businesse, for they pulled down their hats over their faces.

L. Ch. J. Hide. What kind of Cudgels had they?

Coachman. Sticks somewhat bigger than a Walking-Staffe.

Mr. *Tryon* looking upon *William Turner* at the Bar, said, This man, whose name is (as I understand) *William Turner*, I do suppose to be one of the two that was in my Chamber at the Beds side, and that indeed did strike out my Tooth. I asked him why do you use me so inhumanly, like a Brute, and not like a man? I am quiet, what would you have? says he, Be still, you shall not lose a hair of your head.

L. Ch. J. Hide. You believe that to be the man.

Tryon. I would be loath to charge him, but he is as like him as any ever I saw.

L. Ch. J. Hide. Had they either Visors or Masks on?

Tryon. Nothing my Lord, but faced; one said to the other, it's but past 2 or 3 of the Clock, else I had not known it; I was asleep, with Surprize amazed, being an ancient weak man.

L. Ch. J. Hide. As neer as you can conjecture is that the man?

Tryon. Yes, both of face and pitch.

Lord Mayor. Mr. *Tryon*, Did you observe those persons that

that were at your bed-side; whether they had Handkerchiefs or Crevats about their necks?

Tryon. My Lord, I did not take notice of that, I do not remember it.

L. Ch. J. Hide. You hear your Indictment, that you and *William* and *John* are indicted for the Felony and Burglary, for breaking and entring into the house of Mr. *Francis Tryon*, and stealing the particular Goods and Money, as you have heard; I would propose this to you, to make your defence touching your Charge, which is, that you and *William* met the day before, he came in first, and said he staid there till you came, you came and paid the Reckoning and went away; you two were together the day before, what your business was, you can better tell than I. The night he was robbed his Servant being gone the Door was double locked, you know all the private places where the Keys lay, all the rooms wherein Cash, Jewels, Where every thing was; and it was not possible this Burglary could be committed but by one that knew those things.

Turner. There are about twenty people that knew as much as I, his Servants, and such as had been his Servants.

L. Ch. J. Hide. It falls out that the self same night after this house was robbed in the Morning early, you, your Wife and Son go to remove store of Money out of your house.

Turner. It was two Nights after the Robbery, pardon me my dear Lord.

L. Ch. J. Hide. When you carry this you go with a false story that a Merchant was broke, and you must needs have some of the money for his Wife, and 8 Children, and this money was to be set aside for them.

Turner. It was so, my good Lord.

L. Ch. J. Hide. You will do well to hold your peace a while; your Wife and You disowned you removed any money, yet afterwards when the money was brought there and taken upon suspicion (you taken in the very place removing the money) you owned it to be your own; that then it appeared that one of those Bags was sealed with the Bishop of *Chichester's* Seal; and at the time of the Burglary there was 600 *l.* in Bags left

with

with Mr. *Tryon*, ſealed with the ſaid Seal, and one of thoſe Bags you brought back was taken with you, and owned to be your own; and had the ſame Seal; that's proved by Four or Five Witneſſes, compared with the Seal of a Letter of the Biſhop. Your Son on their coming thither, he takes footing and leaps over the Ditch to eſcape, which is a good juſt ground of Suſpicion, that he is guilty of ſomewhat that he would not abide to anſwer; your ſelf and Wife take upon you to know every thing; you know how the uſage was; that there was a purpoſe they ſhould not be killed; that it was gagged; that they exceeded their Commiſſion; if the Man and Maid had been at home they ſhould have been but bound; all particulars you take upon you to know, and to confeſs the whole and the manner of it; Nay, tell the ſtory how they came in.---

Turner. As I was informed.---

L. Ch. J. Hide. Lay all this together, unleſſe you anſwer it, all the World muſt conclude that you are one that did this Robbery.

Turner. I ſhall anſwer it, and I hope to give all the World ſatisfaction; Pray call

Mr. *Vandeputt*,
Mr. *Covell*,
Mr. *Eſnow*,
Mr. *Cook*,
My Maid,
And the Lord Marquiſs of *Dorcheſter*'s Servant

L. Ch. J. Hide. Tell us to what purpoſe.

Turner. To clear every particular.

L. Ch. J. Hide. Open it.

Turner. I ſhall firſt prove that upon Thurſday night the time of this ſuppoſed Burglary, that my ſelf, my Wife, and all my Family were in Bed faſt aſleep, and innocent, not knowing any thing of this Buſineſſe; This I ſhall prove, if not, let me hang and all my Family.

L. Ch. J. Bridgman. All this may be true, and yet this not to the purpoſe.

Turner. Then I cannot be guilty of the Burglary.

L. Ch.

L. Bridgman. If you will lay and plot such a Robery though you are not there; yet, you are guilty of it, for it is ordinary, that the maine setter, will not be present at such times; but will be then in Bed, that people may take notice thereof; but satisfie the Court by what means, you came by this Mony and Jewels, and then call your Witnesses.

Turner. I shall go on by degrees, and certifie the whole.

L. Ch. J. Hide. My Lord *Bridgman*, hath put you upon the right business, do that in the first place, make it appear, how you came to know so exactly, the whole carriage of this business, and how you came by the Money and Jewels.

Turner. I shall do it my Lord: The Constable coming for me by Direction of Mr. *Tryon* to assist him, I came to him, saith he some Villaines have been here, and have Robbed me this night, which made me weep, said I, these are wicked people; I gave you notice, how you should have been Robbed about a year since, but that was prevented; and saith Mr. *Tryon*, for Gods sake, assist me in this, and I shall be thankfull to you. Sir, said I, did you see the Faces of them, said he, it run in my mind very strongly that one of them is *Christmas*; said I, who is he, saith he, 'twas *Hanson* the Grocers man, I know *Hanson* said I: *Mosely* go and knock up *Hanson*, and know where *Christmas* is, and bring him to Mr. *Tryon*, *Mosely* took two or three Men, and went to *Thomas Hanson*, in *Marke-Lane*, and there found, at a Brick-layers house where *Christmas* lay; he was a little refractory to rise, another Constable coming, he came down, and then they sent *Christmas* to the Counter; *Mosely* came and told us, he was in the Counter, I sat with Mr. *Tryon* that night: But my Lord, pray observe how my Name came into Question, the young Man and Maid being out, came home late, the Constable was there then; Friends, saith he, where have you been, saith he, I have been at Collonel *Turners* at Supper, which was a notorious lye, and brought me here in question, God forgive him for it, away comes the Constable by direction

of Mr. *Tryon* and *Hills* lye together, he came to my House, we were all a sleep; I arose and asked who is there, it is I, said Mr. *Mosely*, Mr. *Tryon* is Robbed, pray come down, I came down and opened my Door, saith he, was Mr. *Tryons* Man and Maid here at Supper, when said I, to night, said he; I have had no Suppers these nine Moneths, said I; this *William* is a very Rogue, whereupon the Constable replyed, are your Sons within; yes, in Bed these two hours, do you suspect any thing by my Sons, he went and looked, and saw my Wife, he finds my Sons fast a sleep, the one indeed was awake; pray said I, see that you know them again. Upon my Honour my Lord, this (pointing to *Elis*) was a sleep.

L. Ch. J. Hide. Upon your Honour Sir, pray speak by your Honesty.

Turner. *Lapsis Linguæ*, My Lord. It is my usual phrase, hope I shall appear to be a good man, The Child was a wake, he saw the Maid, my Daughters, searched every Room, searched every Place that was to be imagined, to be searched, saith the Constable, I am very glad that your Servants, your Children, and you are in this condition, I will acquaint Mr. *Tryon*, what a Rogue this *Hill* is, how he hath belyed you; Nay, said I, pray take me with you and so I went with my hair put under my Cap: when I came to Mr. *Tryon*, I asked him who had been there; Pardon me my Dear Lord, if I were guilty, I should not speak any thing to excuse it, when I had understood this, I gave the Constable five shillings, and desired him to search about this business, I went to Mr. *George Day* the Goldsmith, and gave him a Note of those things to be Printed, that they said, they had lost, Friday came, and at night Sir *Thomas Allen*, was pleased to Argue it with me, I told him and the Gentleman, these must be some Rogues that knows the House, which put me in mind of a former crew that was to Rob him a year since.

L. Bridgman. He would be glad you would speak to the purpose.

Turner. I did charge the Constable, and Mr. *Pilkington*, that

that they would get up before day, and that they would go to such and such places, where the Constable and I had privately spoken of, to *Ratcliff* or *Ratcliff-cross*: The Constable and Mr. *Tryons* Man had been there, but the Man and his Wife was gone into *London*, but afterwards by inquiry, the Boy said they were gone into *Hartford-shire* a week before: This Boy is in two tales, here is some pray God these people be Honest.

L. Bridgman. Go on.

Turner. Your Honours Servant my Lord. Afterwards I went beyond the little *Bosses* between the two *Tower-hills*, near the *Tower Ditch*, there is one *John Wild* who had been formerly here in *Newgate*, he should have been transposed. This fellow coming into my mind, I having before been to take him in *East Smith-field*, I had News he used *White Chappel*, *East Smith-field*, and *Tower-hill*, and had Lodgings by the *Blew Boare*, by the *Little Postes*, and at *Noahs-Arke*, and at the *Lyon* in the *Wood*, the Corner house at *Tower Ditch*, this house about *Tower Ditch*, and the *Nags head* at *White Chappel*, were the two places where I found those persons about a twelve Moneth since, that should have Robbed him, going now from house to house I passed a fellow in black, in a large Coat, such another man as this (pointing at one that stood by) he was in a black loose Coat, and he was Trimed with Ribbon at the Knees. This person I passed him, and he passed me, and then I out went him, and meeting him on the other side, I was confirmed it must be one of these fellows I looked for, one *Wild* and *White*, passing the second time I turn to him thrusting to him; what mean you, Sir, said he; said *I*, *I* mean to lay flat Felony to your charge, do not you know me; No, said he, with a great Oath; then *I* know you; who is it Collonel *Turner* said he; *I* said *I*; saith he, what do you mean; said *I*, Mr. *Tryons* house was Robbed, and you are the person that *I* will lay flat Felony too, you should have been one of them that were to Rob him a year since, when Collonel *Ashton* betrayed you all; he began with some hard Oaths, be quick said *I*, *I* will carry you

you are an undone Man I will lay this Fellony to you.

L. Iridgman, What night was this?

Turner, The *Friday* night following about twelve a clock at night, I shifted my hold from his collor to the wast-band of his breeches, I thought I had him secure, said I, *Wild* do not deceive your self, play not the fool if you will save your life; let me see where those goods and money's are, else you will go to the pot; saith he, pray speak lower, we shall be heard; well I will speak lower: We walked to the hill, I had fast hold of his breeches all this while and for I was afraid he might have some Dagger and stab me, said I, be brief you are not alone, either resolve me, or, I will call out; then I will tell you saith he, Col. *Turner*, I understand you are a person of honour and a gentleman that will keep your word, and if you will upon a serious Vow and Promise save my Life, I will unfold the business, but if you will not; with a great Oath saith he, you shall hang me and loose all the Jewels; said I, what will you have of me; saith he, you shall swear to me, *That by the Blood of that Jesus Christ that dyed for you, and I, and all sinners, that I shall have my Life free, in case I discover the thing to you*, and then I will tell you more, if you will not, I will tell you nothing, do with me what you will: saith I, *Wild*, I shall stand with you so long, that I shall have my throat cut: upon my salvation saith he, stooping down upon his knees; saith he, let me never rise up, if I am not just to you, and not a hair of your head shall be touched; said I, come stand up, I do declare to you, that I will endeavour with old Mr. *Tryon*, Tell me where the things are? They are not farr off; Where are they? They are at two places, but do you swear to me; he did in short, make me say the same words that I have repeated, and that I would get Mr. *Tryon* to engage himself too, by the same Oath I did swear to him, thinking my life in danger, and thinking my friends goods likely to be lost, and did, and do intend by the help of God to make good my Oath, saith he, walk with me, he whistled once, the second time, and at a pretty distance, a third time, and within a little while came another fellow to him at the further end

by

by the *Horſ-ſhoe* Tavern; he comes, ſaith he, art thou come *Tom*, I think he called him *Ie bite*; I ſaith he, what ſha I we doe, we are all undone, my face is known? but I have lit in the hands of a Gentleman who will ſave my life, but for you, he knows you not; ſaith he, the money muſt be returned, go and fetch that money, ſaid I, ſhall not I go with them? no ſaid he; and truly my Lord, I was very glad to take him at his word, if I had gon I might have had my throat cut; there was this 500l. brought at twice, three and two, they went again, and hope brought as I take it, two and one, ſo there was three and two, and two and one.

L. Bridgman. VVho brought it.

Turner. *White*, all this while I had the fellow by the breeches, and would not part with him, it was from a little paſt 12. till 4. bringing, and was left on the Canſy and went away, and fetched the other; this fellow and I all alone together had this diſcourſe; ſaid I, what deſperate Villains were you to go and uſe the old Gentlem. in this manner, fourſcore years of age, you beat him and abuſed him, you are ſtrange mad fellow, why could you not let him ſleep in his Bed, he was a ſleep when you came in, you were the madeſt fellows that ever was: Saith he, ſome of you hath ſtab'd him I think, you deſerve ten thouſand deaths for laying your hands on him, though you did not take ſix peny worth of his goods; Saith he there was no intention of hurting him; upon my ſoul there was no order or commiſſion, ſaith I, how got you in, ſaith he, the doore ſtands open half a day together almoſt; one got into the Cellar, and ſtood till all was a bed, he went into the Kitchin found a Candle ſtanding lighted, and went up into the old Gentlemans Chamber, and there he found the Key of the doore, came down, opened the doore and let the reſt in. How many was there of them? ſaith he, three or four, ſaid I, what did you doe, and what would you have done? wo would only have bound them: How got you to the treaſure; by a Key out of the old Gentl pocket: I think there is no hurt to the old Gentleman. I would not for all the world there ſhould: you ſhall have the things again, and pray you keep your word with me about 4. a clock, in the mo-

ning they brought the money; now said I, what shal we do with it: I can do nothing with it, you must carry it home to my house; these two fellows carried one three and the other two Bags.

We went through *Aldgate* with the money and so to my house, my Wife, nor Sons, nor no soul, God is my witnesse, knew any thing of this business but my self: I knockt at the door, this young man pointing to *John*, came down and he unbolted, unlocked and unlatched the door: My Parlour and Kitchen is of all one floor, they followed me in, and threw down the Money; he bringing the Candle to me, no said I, doe not bring it; said I, *Wilde*, What shall I do for the Jewels, and the rest of the money, you shall have them brought you, where you will appoint to day; I will have them brought hither, saith he, that cannot be, I have forgot my self, this money must not lye here, you must remove it from hence, for the other Youths that have the rest of the mony, and Jewels will never be brought into the Citty; If you will remove it into the *Minnories*, my life for it, you will have it all; I will pretend there we will share it; you must not let it lye at all but carry it presently thither; I will tell what I will doe, have you any acquaintance about *Tower hill* where you wil leave it: No, said he, nor I neither said I, I went up staires to my Wife, *Mall*, said I, have you any acquaintance about the further *Tower hill*, I durst not trust my Wife nor Sons, for I thought their tongues might be too long, and I left them in perfect ignorance, truly I must clear them; *Mall* said I, there is a Gentlewoman whose Husband is failed (this was a fained story my Lord) it must be secured about *Tower-hill*, she was pretty well awaked: Saith she, there is the Commissary General of the King, his daughter *Betty Fry* keeps a shop of Linnen at the lower end of the *Minnories*; doe you think she will be private, and let it lye for 4, or 5, hours, undoubtedly she will, saith she, prethy get up and put on thy cloaths, and go thither: *Wilde*, where shall I finde you about 8, or 9, a clock. I will lodge this at the Sempsters shop upon the right hand at the farther end of the *Minnories*: Tell me where I shall meet you, and we will have this mony carried there;

there; my Son and I we will have it lodged; Saith he, you shall have me walking within three doores of the *Blew Pig*, so he called it, Saith I, what mean you; saith he, it is a little signe, no bigger than a *Pig*, but it is called the *Blew Beare*, there you shall have me walking in the under or upper Causey. My Lord, I took this boy pointing to *John* who knew nothing, I told him it was a friends money, I raised my Wife, *Moll* said I, come away, my wife went before, the Boy and I took the money; I carried two and he three: my Wife went and knockt up the maid, the door was open when we came, God forgive this Maid that swears it was this Son, she is mistaken upon my Salvation, this boy was a bed and a sleep: when the money was there, I staid by my Wife, said I, what have you done with this money, I did not tell my wife any thing; I came home coming home, there was my Son and Wife. I drank a Cup of Syder (for I kept a Hodges-head of Syder in my house) as soon as I drank it, I went out of doors immediately; said I to this youngest son, stay at home, I shall have occasion to use you by and by. I went to Mr. *Tryons*, coming there, I found Mr. *Gurney* the Merchant; said I, Mr. *Gurney* I have good newes, I have some hopes of strong presumptions, that Mr. *Tryon* will not loose one penny worth of his goods, marry said he, I am glad of that; we went up to Mr. *Tryons*, we found him sitting by a little Char-cole fire, as much as you may cover with your hands; he told us he had been up ever since three of the clock; we asked him, what he would have to comfort him, he told us, he had something. Mr. *Gurney* after some discourse, took his leave of him, so I sat down. (*Jesus what a noyse is here in the Court my Lord, I can hear but with one eare*) I say, I sat down at the bed-side of Mr. *Tryon*, he on the stool, Mr. *Tryon* said I, I have good news for you; saith he, hast thou, I am glad of it, with all my soul; Sir said I, I am informed, you will not loose any of your goods or money, there is but thirty eight shillings spent of all your money, the Rogues took but forty shillings out, and *Will* told me there was two shillings saved; I dare boldly say, by three of the clock in the afternoon, you will be master of them

again,

again, I would be glad of that, and will give you five hundred pounds; but Sir said I, there is a tale hangs by this; you know you should have been robbed about a year since, and I have apprehended *Wilde* who was one of the intended Thieves; then he hath made me swear *By the Blood of Jesus Christ*, &c. that he shall have his life, if you have your goods; he hath engaged me, that you shall likewise swear by the like Oath, or else you shall hang him, and so loose your goods; said I, I have a great part of your money, but the Jewels and the rest of your money is wanting: the old Gentleman was almost over joyed, this is not true said he, said I, I do declare this is true in the presence of God, make no words of it, if the busineſſe be discovered we shall loose the Jewels; well said he, I will be ruled by you Colonel, and the Lord God make me thankful I have such a friend in the world that hath done this for me, I shall never make you amends, and thereupon he entred into the same Oath, *That by the Blood*, &c. the blood of the man should not be spilt, though he lost both Money and Jewels; I discoursed with him, I told him over and over again, left him satisfied, that I would be with him again, and bring him more tideings, but by three a clock I doubted not but he should have all; then it was almost eight at night, away went I to *Tower hill* to look my Merchant *John Wild*, he was here in *Newgate* formerly there found I him walking by the *Blew-boare*, careleſly walking there, with his Coat under his Arms; said I, how now, what news, I think I have now pleased you; saith he what? have you done, said I, I have lodged the money hard by and all is right, what have you done, is all right on he other side, all shall be well: but where have you lodged it? here at a Sempſtreſs, at the corner of the *Minnories*; said he, the money muſt be removed, there are Sales-men thereabouts, and the fellow that hath the Jewels he is known, he will not come thither; remove it towards the water side, any where, and the things shall come my life for it. They had a Cats Eye Ring, they were such wife

Lape-

Lapidaries, they called this 100l. Ring, when it was not worth 5l. He gave order that the money might be again removed to the other end by the *Horshoe* Tavern; I run home, fetch'd my Son, said, I Wife, we must have away the mony: My Lord, he told me he would have away the mony to the Half-moon Tavern in St. *Katherines*, or the corner Tavern at the *Iron gate*, said I, are not you resolved, well said he, it shall be carryed to St. *Katherines*, he would meet my Son at the *Noah Arke*, at *Tower Ditch*; let my Son but hand the money over that Path, and he would hand it to the other; We did carry it, carried again, at his second carrying comes Sr. *Thomas Allen*, he had heard some Cry of money left, he comes with a great company of People after him, and the foolish Wench said to my Son Mr. *John*, fly for your life. *John* being surprized and affrighted, he went out of the back doore, went over the Ditch and went to my House. Sir *Thomas Allen* had also sent to secure my house; when the lad came home into the street, my doores were shut up: (Gentlemen of the Jury do you understand) the boy seeing such a rout at the doore, saith the people, Mr. *John* your Fathers house is shut up about Mr. *Tryons* money, he walked by the street and went into *Bishopsgate* street, and *Cheap side* into *Pater-Nostererow*, and so into *Fleet-street*: I did not hear of him till Saturday in the afternoon.

When Sr. *Thomas Allen* came, saith he, Mr. *Turner*, here we have catcht you and the money; said I, if you be hasty and passionate as you were last night, you will spoke all the whole businesse: Tell me saith he, whose money it is, said I, it is my money; the truth is, the Old Gentleman hath promised me 500l. it is the naked truth, I would not have Sr. *Thomas Allen* the honour of gaining it, but I would have the honour of gaining it my way.

Sir *Thomas* would know whether it was my Money, *I* told *I* had received part of it at a Gold-smiths, so *I* put Sir *Thomas* off, Come, come, said he, we will carry this money to Mr. *Tryon*, said *I* to Mr *Tryon*, here is part of your money, you know what *I* told you even now, *I* saith he, God be thanked, before Sir, *Thomas Allein*; *I* asked him what his promise was, and told him how the passage was in short; And the old man did acknowledg that such a promise was made, and would have down upon his Knees; *I* passed my word to him that by three a Clock, *I* doubted not but he would have his Jewels, and the rest of the money; saith Sir, *Thomas Alleyn* go whether he saith, live and prosper *I* know not, go God bless you, and upon my honour, (*I* think that was his word) the old man shall make good his word, but Sir, *Thomas* what will become of me and you, by this business, for I understand the Law; how will this business be daubed up, you will be fined; Sir, *Thomas*, *I* must break my word, he must be apprehended, or *I* must suffer, saith Sir, *Thomas* do not trouble me with that, get but the goods, and the old mans word shall be made good, leave that to me; more then that he said, he would make up the business, or he would smother it. My Lord, you have a great deal of patience, *I* am humbly bound to you, here is nothing but the naked truth, step by step, as *I* trod it; Afterwards *Wild* came and said, all will be well; said *I* what have you done, are you sure, saith he, the Jewels, nor nothing shall be stirred, said *I*, you see all is spoiled; Sir, *Thomas Alleyn* is come where we had lodge the mony, the thing is known, do not they hear of it; Yes, they hear as well as we, and know what is done, and some have Eyes upon you, said *I*, they will run away with the Jewels; No, you shall meet about three a Clock, no body knows me but you, your Wife, and your

Son, who saw me this morning at three a Clock, either by the *Blew Figg* at *Tower-hill*, or *Nags-head* over against *White Chappel* Church.

It is agreed, for Gods sake look to it, your life and mine is concerned if the Jewels be lost, I will persecute you to the Death, look they are preserved and not purloyned; saith he, the baggs were never opened, I parted with him, he was to look for me at three of the clock; coming home about Change-time, who should I meet with but Mr. *Stubbs*, who told me that it was all the News upon the Exchange that you have been in the Robery; Said I, do not trouble your head, I have discovered the business; Then said *Stubbs* you know I and *Thomas Lyon* are Bail for you, at that time I satisfied him; Afterwards that day I met with Mr. *Cole* the Officer, said he, Colonel I Arrest you? for what? for more fooleries yet; *Thomas Lyon* will not be satisfied, by six of the clock this business will be all over, nothing will serve your turn but violence, violence, no force, no Law, I was forced to go to the Hoope Tavern; I got them to send for Mr. *Stubbs* and *Lyon*, they came, Said I, what will you have? I am in prosecution of a business for Mr. *Tryon*, you will undoe it with this six penny business; say what Security you will have, and you shall have it; Said I, Mr. *Tryon*, and Sir *Thomas Allen* shall give you their security to save you harmless for being my Baile; Said they, hold Mr. *Tryon* weele do it; we are Content, they went away, and told me they would get a Bond, and come presently; but what was this presently? I will warrant you they stayed two hours; It was seven a clock at night before I parted with them, I was fain to send the little Boy for Mr. *Hill*, Mr. *Pilkinton*, Mr. *Millington*; This was either a Curse from God sent upon me, or a Plot of Roguery that the money should be lost; They came not back till seven of the clock, and then without a Bond; and I fell a little violent, but I was telling them how

these Rogues told me the whole carriage of this Robbery; when it came that Mr. *Tryon*, and Sir *Thomas Aleyn* heard that I was in Custody, he sent a Constable with a VVarrant to bring us all before Him; VVhen we came there I desired Sir *Thomas* to let a Gentleman go with me, I will break my Oath with the Fellow, and we will apprehend him, and make him bring the Jewels; Sir *Thomas Aleyn* told them, if they would all go together, they might, but to go out of the Liberties he could not let them go; I have you, and I will keep you, and do find him if you will; How now, Sir *Thomas* said I, are you come to that, have you fooled me all this while? I Faith, I thank you, for you have trapanned me very fairly; if any thing miscarry in my Honour and Reputation, or Blood, you are in the fault; Here I do declare, said I, if you will let me go, I will take him; Then Sir *Thomas* did incline to let me, what say you Officers, will you go out of your Liberties with this Gentleman? Sir *Thomas* said I, there is now Liberty or Priviledge for Felons, I will Seize a Fellow my self in any ground in *England* without VVarrant; I do remember this *Wilde* did Condition, that in Case I could not come, I should no man living but my self, because he had had my Soul pawned to him; I asked him whom he would trust, He said, if I could send my Wife, describing her to him, That she was a full short woman about forty or fifty Years old, she had a long black Scarffe on; then let him alone, if I cannot come, I will send such a woman, and send the things by her, and preserve your life; I told Sir *Thomas* this story; My Wife came to me Publickly, I did not whisper with her.

Mistris

Mistris Turner, Nay look you Husband ——

Colonel Turner, Pray thee *Mall* sit down, you see my Lord my Wife will interrupt me with nonsense; Pray thee let thee down quickly, and do not put me out, I cannot hold Womens Tongues, nor Your Lordship neither.

L. Bridgman, This is not a May-game.

Turner. My Lord, it is a serious business, and I hope God will bless it, —— pray said I, *Mall* go as you love and honour my life and credit, or any thing that concerns me I beg you to go, then I will go saith she, whether must I go? you must go to the further *Tower-hill*, six doors beyond the little Postern now it is so much of the clock, from five to seven he will walk there; a fellow will come to you in black, that man that in the morning took the money from *Jack*, he will know you, and once in a quarter or half an houre he will come to you; if you do not finde him in half an houre, stay no longer, but pack away to *White-Chapple*, aske for the *Nags-head* in *White-Chapel*, and once in a quarter of an hour you will have a man come to you, and take notice of you, and aske you who you are, and you must say, that you wait for one to give you *somwhat*, he will deliver you *somwhat*, and whatever he delivers you, bring it hither; said I to them, you may send if you will and dodge my wife and catch him that way, they would not; I sent my poore wife away, and saving your Lordships presence, she did all be dirt her self, a thing she did not use to do poor soul: She found this *Nags-*

head, she sat down being somwhat fat and weary (poore heart,) I have had twenty seven children by her, fifteen sons, and twelve daughters; seven or eight times this fellow did round her——

Mrs. *Turner*, Let me give that relation:

Collonel *Turner*. You cannot it is as well, prethey set down Dear *Mall*, set the down good Child, all will be well, when she came back, she came with somthing in her Apron, what are you speed, saith he? *I* know not what? a man came to me and asked me who *I* looked for? *I* told him? *I* looked for any man that would give me any thing? are you Collonel *Turners* Wife? and upon her answer he gave her these bags into her Apron, and was gone a matter of a yeard from her, step back again, that is not all, here is a Diamond Ring worth a hundred pound, give that to your Husband, and this Dyamond Ring proves a Cats Eye Ring, and worth but four pound.

Mrs. *Turner*. Well, and did not *I* bring these——

Collonel *Turner*. Look you my Lord, this Woman will put me out; My Lord, she did deliver all these things and went home, *I* did take out these Goods; now said *I*, Mr. *Tryon*, you see all is come (Sir, *Thomas Chambrelain* was there) *I* have performed all in my part, look to the rest, that you perform yours: Some people reports, that there is other Jewels of my own; my Lord, they are all his own, and he will not disown it, and *I* do not expect my five hundred pounds for what *I* have done, according to his promise, *That as Jesus died*, &c. that the man should not

not be persecuted, nor loose a hair of his head, if he lose his whole Estate, and I do expect my money, not such a reward as this; after which I was commited by Sir, *Thomas Allen*, and so was my Wife, now pray let me call my Witnesses, and if I cannot make it good, that I am clear, let me be hanged; My Lord, I shall humbly entreat that Mr *Vandeput*, may be called Mr. *Cavil*, and the others.

L. Bridgman, What doe you prove by them?

Turner, To prove part of this businesse, That I did assure Mr. *Tyson* of his Goods, and to my reputation: I forgot one chief thing, I am not a man in Debt, take notice of that, no man in the world hath my Bill for 5l. There is onely this contest between Mr *Vanbrugh* and my self, which is left to Arbitrators and the Lord Mayor is Umpire: It is known I have an Estate, and there is one thing remarkable; Gentlemen of the Jury, I could have had all these Jewels at any time in trust; I could have broke as well as others and paid 5 s. in the pound: I lately made payment of 2000 l. for Goods, and I can have 2000 l. Credit any day upon the Exchange: Why, that had this Credite, that might break for so much money? why should I put my Neck in a Halter, these are very strong Arguments for me, that I am not such a Person.

L. Bridgman, I will tell you what you have done; you have made a very long story, and have taken up the time of the Court these two hours in a Narrative, and when all is done, answer me, Have you any Witnesse to prove all this Discourse between you and *Wilde*.

Turner.

Turner. I have by Witnesses to prove, I said this, that there was such Discourses between us.

L. Bridgeman. No doubt of it, and so will many a man at *New-gate* frame such a story as this.

L. C. J. Hide. You have told a long story about *Wilde*, that you took him by the Throat, and that you were alone, what Weapons had you?

Turner. None my Lord.

L. Bridgman. Had you a Lanthern with you?

Turner. No my Lord.

L. Bridgman. What time of the Night was it?

Turner. Twelve a Clock my Lord.

L. Bridgman. You staid till foure, so they were foure houres a bringing of the money.

Turner. Yes, my Lord.

L. Ch. J. Hide. You took a man in the dark by the throat, that man that was guilty of such a thing, as when that you did let him go to call his Companions, to bring the money, bring fellows to you single; I would be glad to know whether in this case they would not have knocked you on the head, and killed you?

Turner. My Lord, *Wild* had engaged his soul, and I my soul to him, that if I would not discover him him I should go away free.

L. Bridgeman. Great security indeed.

Col. *Turner* called several Witnesses, (*viz.*) Mr. *Vandeput*, Mr. *Covel*, Mr. *Legoose* Mr. *Snow*, and Mr. *Mosely* the Constable. I desire my maid may be called; pray ask Sir *Thomas Allein* what he hath done with my Maid, he took her up with Sir *Richard Brown* and two Marshals men (pray Gentlemen make not a laughing business of this) Sir *Thomas* pray where is my Maid.

Sir *Thomas Allein*, I had this maid upon examination, I finde cause of further Examination, and thereupon directed an Officer to take her, and she is now in the Garden.

Mr. *Mosely* the Constable examined.

When I came first to Mr. *Tryons*, at Mr. *Tryons* house, he was bound, then he asked where his Man and Maid was, he said he could not tell, by and by the man came in, and being asked where he was, he answered he was at Coll. *Turners* at Supper, presently after we went to Colonel *Turners*, he came to the Window, his Wife and two Sons were in bed.

L. Bridgeman. Did Mr. *Tryon* give you order to come to him?

Mosely. Yes my Lord, he did.

L. Ch. J. Hide, Mosely you were Constable were you not? what discourse had you with Mr. *Turner* about a dangerous place that you did suspect where some people may be to do such a feat?

Mosely. I never heard of any such thing spoken.

L. Bridgeman. You say Mr. *Tryon* he wished you to call *Turner* to him; did he give you any order or direction to search his house? who wished you to go up to the house to see whether his Sons and Daughters were in bed?

Mosely. Mr. *Turner* did my Lord.

Turner. He doth not say true my Lord; pray ask him when he came to my door and I opened it, whether Mr. *Tryons* servant were there at Supper that night; I said no. Is your sons within said he? I said I. Pray let me see them.

Mosely. I came to Mr. *Turners* house and knocked at the door with some others with me, at last the Col. came out of his bed, I suppose he came out of his bed, being partly naked, he came down to the door, I asked him where are your Sons; they are in bed says he; said I Mr. *Tryon* is robbed, he would have you come to him.

L. Bridgeman. Did he desire you to go up?

Mosely. No my Lord but I asking him whether his sons were in bed, he said, I prethee go up and see.

Turner. My Lord, I would prove where my sons were on Thursday night at ten a clock.

Lord Marquis of Dorchesters *servant examined.*

My Lord, till nine a clock they were with me at my Lord Marquesses house.

L. Bridgeman. What time came they thither?

M. Servant. Between seven and eight at night.

Col. Turners *Maid examined.*

Turner. Come Maiden pray tell my Lord and the Court when my sons came home this night.

Maid. Between nine and ten a clock.

L. Bridgeman Were your Master and his Sons in bed all Friday night or no?

Maid. Yes my Lord they were.

L. Ch. J.

L. Ch. J. Hide. Did your Master go forth on Friday night?

Maid. No, he was at home and in bed all that night till eight a clock in the morning, and Thursday night before.

Turner. A silly soul, she knows not what she says.

L. Ch. J. Hide. I will ask you again, was your Master at home on Friday night?

Maid. No I think he was not.

L. Ch. J. Hide. Why did you say so before?

Maid. I cannot remember Sir.

L. Bridgm. She knows her Masters mind.

Turner. No upon my soul, my Lord.

L. Bridgem. My Masters of the Jury, this is the use that is made of this Maids testimony; she will say any thing, she is no fit witness, no trust to be given to her either one way or other.

Turner. Pray call Mr. *Cowel*, Mr. *Legoose*, Mr. *Cook* the Goldsmith.

L. Bridgem. What do you call these for?

Turner. To prove my Condition, my Credit and Reputation.

L. Bridgm. The Jury knows that already.

Mr. *Cook*, Thus much I can say, that I have known him some twenty years, I have had dealing with him to the value of several 100*li.* I have trusted him, and have found him very faithful. I have seen in his possession Jewels to the value of eight or ten thousand pounds; by which I suppose if he had been such a person he might have done himself a kindness by breaking.

Mr. *Legoose.* All I can say is I have an acquaintance with this person, he was a Solliciter, dealt honestly and faithfully in a business wherein I was concerned, he hath lived very well.

Sir *Richard Brown.* Where you have heard on man say he is an honest man, have you not heard a hundred say otherwise.

Mr. *Legoose.* There hath been an ill report that he hath been a person that lived high.

Turner. Sir *Richard Brown*, no man in *England* can say black is my eye.

Sir *Rich. Brown*, Mr. *Turner*, you say you were upon *Tower-Hill* all Friday night, whether went you in the morning?

Turner. I came home between four and five in the morning.

Sir *R. Brown.* Your maid offered to depose even now that you did not rise all that morning before eight of the Clock.

Turner. Lapsis Linguæ; If the Girle be mistaken.

L. *Bridgeman.* Do not trouble your self with that, her evidence is of no force.

Mr. *Jefferies.* Col. *Turner*, I cannot say any thing that will be advantageous to you, My Lord, and Gentlemen of the Jury; I have heard Mr. *Tryon* hath trusted him with Jewels to a good value, and that Mr. *Tryon* had a very good repute of him.

Sir *Rich. Brown.* Pray what report hath he upon the Exchange?

Turner. I owe nothing there Sir *Richard*, nor none there can lay any thing to my charge, except it be that I am a Cavalier.

Lo. Ch. *J. Hyde.* Mr. *Turner*, have you any more?

Tur. My Lord, I do want these Goldsmiths, they do not appear, they promised me they would.

Lo. Ch. *J. Hide.* How can we help it?

Tur. I do humbly beg your Honour and this Honourable Bench, that the Old Gentleman, my Old Friend, may declare what passed between us on Saturday Morning.

L. *Bridgeman.* Consider what you do, for here would you have Mr. *Tryon* swear against himself, hear what you would put him to, take it as you put it, though I do not believe a word of it. As you put the case here is *Wild* commits a Robbery, you come and truck with *Wild*, and agree with him that Mr. *Tryon* shall let him go, shall not meddle with him, there shall be no Prosecution, so the Jewels and money may be brought, would not you get Mr. *Tryon* to conceal

conceal a Felony, and Fellon, and he confess against himself he made this agreement with you? that Mr. *Tryon* did consent to it, that he promised you five hundred pound to shuffle up this business?

Thir. Here me pray; you put me out, I had not let this man go; I begged that they would go with me, Sir *Thomas Alleyn* would not let us go, we would have taken him, I was senceless of the danger; it may be we might have had the Fellon and the Goods too.

Lo. Ch. *J. Hyde.* No doubt, upon your own story, all this while you had no possibility of having the goods, unless the life of this fellow may be given you, so you were faint to agree, and plight your word to him, pawn your soul that he should be free, untouched, so he would discover the Gobds and moneys. Sir *Thomas Alleyn*, speak to that particular again.

Sir *Thomas Alleyn.* My Lord and Gent. of the Jury; He tells a long story that he was kept abroad till seven a Clock at night, I do verily beleive he was brought to Mr. *Tryons* at five a clock, and there he kept us till seven, and all he would do, was, he desired to go himself, or with one person at the most, or else we shall lose all the Jewels, saith he, for two souls are pawned, he did not in the least argue the taking of the Thief, I must say this, when I came to him on Munday, he said if I had sent a good Guard, we might have taken the Thief, said I, a Lyer had need have a good memory, then you must onely go your self, or with one person, he hath told you that I said there should be no prosecution, I said onely this, whatever Mr. *Tryon* had promised you I knew not, but if you expect favour, let the Old Gent. have his Jewels again.

Sir *Tho. Chamberlane.* I heard no such thing.

L. *Bridgman:* What did he tell you?

Sir *Tho. Chamberlane.* He would have gone with one with him, and pretended he could find out the Jewels onely.

Mr.

Mr. *Millington*. There were some propositions made, he desired first I should go with him singly; I told him there would be no security, but if he would get a sufficient Guard I would go with him, but he went home to his wife, and never made mention of any parties name, but that there was a party he expected the Jewels of.

L. Bridgeman. Did he propose any thing touching the taking that man?

Millington. Nothing but that he had pawned his soul there should be no discovery of it.

L. Bridgeman. did he desire that you should go and take the man?

Millington. No, but that we might go and secure the Jewels.

Sergeat Cole. My Lord, there was a great deale of danger, we are bayl for Eight hundred pounds; if he had been taken away we are all undone, he onely propounded of having the Jewells, and nothing of the man.

Mr. *Gurney*. I understood you Col. *Turner* only for the Jewels, and not for the man.

Mr. *John Marshal*. My Lord, he did move Sir *Thomas Allein* that I might go with him to *White-Chappel* and about Tower-hill. I told Sir *Thomas* it was very unsafe for me to go being late, and out of the Liberties, though I was a Constable, I could not command assistance there; and entreated Sir *Thomas* to excuse me; I thought it not safe for him; he did then repeat the engagement of his soul to the theif, and of *Tryons* to him.

Lord *Bridgeman*. Did you ever hear him say, desire or propose that you should goe and take the Theif.

The *Marshal*. No my Lord, it was to get the rest of the Jewels.

Alderma *Smith*. Do not you know that I spake to you again and again, and advised you by all means to lets know

know where this man is, that I would go my self or any of these persons present, you utterly refused it; and said there was two souls pawned and you would not discover it?

Turner. That was at first, afterwards I mentioned them all.

L. *Bridgeman*, For what?

Turner, To take the Theif.

L. *Bridgeman*, You see not any man testifie any such thing.

Col. Yeoman, Sir *Thomas Allein* called my brother and I both in the room to him, and the Marshal and his man; and said, Col. *Turner* would have us go without the Liberties for these Jewels, I think, saith Sir *Thomas Allein* it is not safe to go out of the Liberties, Mr. *Marshal* said the same; he desired us to go with him, but Sir *Tho.* refused it.

Lord *Bridgeman*, This is a notable piece of Cunning, when he was moved by Alderman *Smith* and others, all this while he names no man, but now he was under an Action he would have them go with himself out of the Liberties, and yet never saith a word to take the man, he knew very well it was out of the Liberties. Truly I think if Sir *Thomas Allein* had done it, I should not have taken him to be Sir *Thomas Allein*; did you desire any of them to go with your Wife?

Marshal, He denied us to go with his Wife, his token was this, the Theif would meet no man.

Turner, My Lord, to the business now, I am here Indicted for Burglary. It appears to your Honours and the Bench, that it was ten of the clock when my Sons came from my Lord the Marquess of *Dorchesters* house, said I, You Knaves you, what do do you out so late; said they, It was past nine before we had done, and my Lords Gentlemen made us stay Supper; they were all in their beds at a little past ten of the clock; you hear what *Mosely* the Constable

ble saith he finde us sleeping in the house, how should this burglary be laid on me, I am indicted here for burglary, and that I cannot be, for that I was at home.

L. C. J. *Hyde*. Have you done?

Tur. I my Lord.

Lord Chief Justice *Hyde*. *William Turner*, what say you? you see what is laid to your charge; first, you are a person of loose life, there were two at his Bed-side, he believes you to be the person that gagged him, and helped to bind him.

William Turner. I was never in his house in my life, til with Sir *Thomas Alleyn*.

Lo. Ch. Ju. *Hyde*. Where were you?

Will. Turner. At home.

L. C. J. *Hyde*. Make that appear.

Will. Turner. I have none here.

L. C. J. *Hyde*. He saith it was a man as like you as can be.

Will. Turner. And I am as innocent as may be.

L. C. J. *Hyde*. *John Turner*, that which is against you is this, you on Saturday morning very early, was busie with your Father and Mother in the removing the money, and then when you had notice that you would be apprehended, you got away.

John Turner. Sir, I did not know who it was that was come, whether to apprehend, or upon any other score, but the woman speaking to me, flee for your life, or such expressions, made me go away I know not how.

Lord Chief Justice *Hyde*. Did not you bring some mony?

John Turner. I Did my Lord.

Lord Chief Justice *Hyde*. How much was brought at that time?

John Turner. I carried away two Bags to *Will*.

Lord

L. Ch. Just. Hide. Did you know him?

John Turner. Yes, my Lord.

L. Ch. Just. Hide. Did you carry these to *Weild* on Saturday-morning? Did not you carry them to *Fyes* house?

John Turner. We took them afterwards from the house where *Weild* appointed us to meet.

L. Bridgeman. At what time of the day did you carry them back to *Weild*?

John Turner. Before Sir *Thomas Allen* came that day, I was coming for more.

L. Bridgeman. To what place?

John Turner. At *Tower-Ditch.*

L. Bridgeman. At what house?

John Turner. No house, but I delivered them at *Tower-Ditch.*

L. Bridgeman. At what time of the day?

John Turner. It was before Sir *Tho. Allen* came, about 8 or 9 of the clock in the Fore-noon.

L. Bridgeman. Was there no people there? who was there?

John Turner. I cannot tell; I saw several other persons.

L. Bridgeman. Did *Weild* stand in the street?

John Turner. Yes.

L. Bridgeman. How came you to know him?

John Turner. By my Fathers direction; and I had seen the man at our house that morning when he brought in the money.

L. Bridgeman. Whereabouts? was it near the Quest-house? that is, the great house that stands in the middle of way?

John Turner. It was hard by the signe of *Noah's* Ark.

L. Bridgeman. This is a likely story to be believed, that you should in the day-time between eight and nine in the morning, meet in the *Tower-Ditch* that man that was a noted Thief, that had been in Newgate; this you should carry for this man to receive two bags of money: see how it hangs together!

L. Ch. Just. Hide. How often did you go?

John Turner. Twice.

Hide. How much at a time?

John Turner. A single Bag.

Hide. Had you a Coat or Cloak?

John Turner. Just as I am now.

Hide. Had *Weild* a great Black Coat? and what did he do with the money?

John Turner. I know not; but I delivered one in the street, and then went and fetched another, and he staid ready for it.

L. Bridgeman. Was this all the money that was brought in the morning, save that that Sir *Tho. Allen* brought away?

John Turner. It was all, to my knowledge.

Sir Tho. Allen. Colonel *Turner* confessed to me on *Thursday*-morning that more came unto his house, but that Rogue *Weild* took it away.

L. Bridgeman. How much?

Sir Tho. Allen. About 200 *l.*

L. Mayor. How many turns did you make when the money was carryed from your Fathers house to the *Mynories*?

John Turner. Twice.

L. Mayor. Who went first?

John Turner. We went both together.

L. Mayor. How much was carryed between you both?

John Turner. The first time I carryed 200 *l.* as I can judge.

L. Mayor. Who carryed any more?

John Turner. My Father.

Sir O. Bridgeman. What did you bring the second time?

John Turner. The same.

L. Bridgeman. *William*, one thing more: What was the occasion of meeting you and *James Turner* at the Alehouse?

Will. Turner. I did not meet him, my Lord.

L. Bridgeman. You came thither, and called for a Pot

of Ale, and said you staid for Colonel *Turner*.

W. Turner. It is not right; I onely asked if Col. *Turner* used the Horse; by and by he came and paid for the pot.

L. *Bridgeman*. You two went together; what was the occasion of your meeting together?

Col. *Turner*. Finding him there, I said I could not drink with him, and so we parted.

W. Turner. I called for a pot of drink, and having no money to pay for it, Colonel *Turner* coming by, I called him in, and desired him to pay for it, which he did.

L. *Bridgeman*. The Boy swore you said you staid for Col. *Turner*; can you justifie you were at home, or in any other place? it is a great supition; the old Gentleman charged you to be very like the man, and you can give no account where you were, and *Turner* and you met together the day before.

W. Turner. I was at home.

L. *Mayor*. *William Turner*, when did you shave your Beard last?

W. Turner. Before *Christmas*.

L. *Mayor*. Who shaved it for you?

W. Turner. A Barber in *Golding-Lane*.

L. *Mayor*. When his hair is shaved off his chin, the other man whose Name is *Christmas*, being a smooth-chinn'd man, it's very possible that might beget the mistake in Mr. *Tryan*.

L. *Ch. Just. Hide*. You of the Jury, it is high time to let you go together to consider your Verdict; we will trouble you no more in this business to day: Here is an Indictment against *James Turner*, *John Turner*, and *William Turner*, for a Burglary in breaking the House of Mr. *Francis Tryan* in the night-time, and taking away a great deal of Money and Jewels: you have heard it particularly named: it is likewise charged, That *Mary* and *Ely* knowing of *John* to have committed this Felony and Burglary, did comfort and abet him afterwards: I shall speak to them two first. *Mary* the Wife of *James Turner*, though it appears all along that

he had a hand in this business, yet nothing appears at all, but doing only that which her Husband had directed; then by Law she cannot be accessary for committing of Felony. For *Ely* the other accessary, I did not observe in the whole course of the evidence, any thing at all against him, that he was privy to any thing at all, for that of the carrying of the money, it appears to be *John*; for them two, *Mary* and *Ely*, nothing is fastened upon them; then the matter is to *James*, *John*, and *William Turner*: I hope, and I am sure you are nearer, and you take notes of what hath been delivered; I have not your memories; you are young, and no persons better: you are men of understanding, I need not repeat particulars to you; thus much I must say in the general, That it is not alwayes necessary, but for that I shall desire my Lord *Bridgeman* to declare it to you. A man may be guilty of a Burglary, though he be not in the place, in the room where it was committed: or thus; if three or four men come together with purpose to rob a house, two go in and do the fact, and the rest stay without, to see no body comes to prevent, or to receive, one or other coming to that purpose, those that are without the House, are as guilty of the Burglary as the other that went in: no man will deny the Law to be so. Then weigh your evidence; it appears by the Coach-man, that he saw four men that had Handkerchiefs about their necks, two upon one side, the other two upon the other side of the door; though there were but two appeared to Mr. *Tryan*, yet there being four in company, and Mr. *Turner* himself tells ye, that by the story from his Intelligencer, there was three or four, whom they were, or whether there was any or no, God knows; but rather suppose it to be a story of his own framing. He walked up and down on *Tower-hill*, took the Miller by the throat, and there kept him about two hours, and past four a clock before they brought the second bags: Then weigh that particular knowledge that Mr. *Turner* had of all these things, that upon *Wednesday* before he met with this this *William Turner*, a person you see, of what quality I shall not repeat, he cannot give account of himself what he is, and

and that night when this Robbery was committed, he says he was at home, they are his own words; he might have had witness to have proved this, as well as Mr. *Turner*. But for *Tomes Turner*, it's true it appears, and no doubt he was that night at home: The Constable went to his House upon the occasion of *Tryans* mans saying he supt there, went to find whether he supt there, that was indeed false; but the Constable and those that went there, found them a-bed. But then take the time when this Robbery was done, it was between eight and nine, and he was found in bed at past ten, though indeed the Thieves said it was eleven, as you might understand by Mr. *Tryan*: it must be left to you upon the proof; you see when he comes the next day, he undertakes to find out the Thieves, and that only upon a suspition, that there being a purpose to rob Mr. *Tryan* a year before, he goes to the same place now, he found *Weild* out then; he had very good luck, that because he lodged there a year before, he must have the same lodging now: it's a likely matter that Thieves, as *Weild* is, should keep their lodgings thus constantly. There he finds him, takes him by the throat, and there they were playing a while, there one comes, goes, and brings some part of the money: After all this, the next day he must take his word to come again, and to bring the Jewels: observe but this; after which time as the money was received, yet by a token, though he never saw the woman before, describing her a short fat woman, with a long black Scarf; he must meet her, aske what she wanted, and must give her Jewels of that value; 'tis one of the finest fram'd stories that I have heard, that this man should come to be thus privy, after himself stood charg'd, and the Jewels brought for all this, and yet he must know nothing of it. You observe the evidences and the circumstances themselves, the Witnesses he call'd in point of reputation, that I must leave to you. I have been here many a fair time, few men that come to be questioned, but shall have some come and say, He is a very honest man, I never knew any hurt by him; but is this any thing against the evidence of the Fact? But you have here the whole, I shall leave it to you.

L. Bridge.

L. Bridgeman. Gentlemen of the Jury, my Lord hath repeated to you the evidence; I shall repeat nothing of that; only one or two things I shall observe to you. First, in point of Law, and I must agree in opinion with what my Lord says; but in this case there will be something more considered, that is, whether or no (for this is the Law) if a man have a false Key, (we are now upon the point of Law) and we ought to be of Counsel with him and you, to direct that which is right. If he appear plainly to be an Accessary, you must finde him guilty of this Indictment: for that, you must consider circumstances, whether he broke open the house or no; then you must observe Mr. *Tryan's* door was shut, it was not broken open by a Crow; therefore you may conclude that it is very probable they had a Pick-lock: but that I must leave to you; either they must come in by [illegible] being in the house, or by a Pick-lock: but to say by one in that house, you have no reason to presume on that: if by a Pick-lock, whosoever they were, they must be known, not strangers to the house; not *William Turner* alone, but he that knew the house, and all the passages and doors; knew where the Keys and Jewels were: then who probably should be in the house; it was not for a stranger to be in the house, onely one that must know all. If that *James Turner* shall appear to you to have a hand in it, if you think he was accessary, you must finde him guilty as Principal.

Col. Turner. God forbid.

L. Bridgeman. If he were amongst them, if the Door be opened by a Pick-lock, it is a direct Burglary, as if broke open by an Iron Bar: but that must be left to you. In the next place to prove the Burglary, you see what a story he tells you, with all the circumstances, as if he had been there: He tells you from this *Weild*, (if there be any such, you must take it upon his word) how the mans tooth came out; what he meant to do with the other persons; and all other things about that affair. Observe another thing of Sir *Thomas Chamberlain*: says he, We suspected him from the first; we could not examine any, but he would be thrusting in, and listening,

listening. I say, admit that you should be by the evidence perswaded he had a hand in the business, you must finde him as Principal: for nothing in the world more ordinary, if a man intend to commit such a Felony or Burglary, he will be sure to have witness to prove he was here, or in such a place at the time when this Robbery was committed. By all that I can guess, and I believe that I guess right, this Robbery was between eight and nine a clock at night: when the Constable came to Mr. *Turner*, no doubt, as it was his wisest way, he was then in bed, but can prove nothing at all else. The truth is, upon all that he hath said himself, if it be true as he hath said, he hath made himself a direct Accessary to a Felony: for first of all, being examined before a Justice of of Peace, Sir *Thomas Allen*, he said himself that the money he carryed, was the money he had of a Goldsmith: truly his whole story is a direct Romance. This man must go upon the *Friday*-night, about 11 or 12 a clock; and there is a Proverb of *A blind man catching a Hare*; if it can be applicable to any thing, it must be to this. He must go between 11 and 12 a clock at night without a Lanthorn, a good way above his own house, and there he must walk, and think some *Mephistophilus* should come and tell him who is the man; that he should take him by the throat, though he could call two more with one whistle, and there get him to deliver the money: truly he was a very noble and ingenious Thief. But all this you must take upon his own word. Now he knows the money was discovered, then it was a Merchants that had failed, and must be secured for the use of his Wife and Children. If you do believe all this that he hath said, he was neither Principal nor Accessary to this Felony, but Accessary enough to *Vtrild*: but that's not the present business; it is whether upon all these circumstances, the money having been found with them, he being the man that brought the money, and his Wife the Jewels, whether you do believe the rest of the story he hath made for himself. If you believe he had a hand in the business, you must finde him as Principal. I shall desire a little further direction: suppose it were

as

as he ſayes, that one was within, and he opens the dore, and lets in others, if he himſelf was one that did come in, I take it to be Burglary in them all; it was an unlawful coming in: So that upon all theſe circumſtances, firſt, Whether you do believe that he had a hand in it, or no, or this fine ſtory that is made. Next, Whether you do believe this was one that was there; you muſt believe him guilty as principal. But I leave it to you.

L. Ch. Juſt. Hide. To the laſt I ſay, If one comes in by day with a purpoſe before-hand to rob the houſe by night, if he opens the door, which is almoſt impoſſible here, becauſe the man ſwears it was double-lockt, it muſt be opened with a key; if he opened the door, and the reſt comes in and robs him, that is Burglary in them all.

Thereupon the Jury withdraw'd, and after near an hours conſultation, they returned to the Court, and took their places; their names being called, they ſeverally anſwered.

Cl. of the Peace. Are ye all agreed of your Verdict?

Jury. Yes.

Clerk. Who ſhall ſpeak for you?

Jury. Fore-man.

Clerk. Set *James Turner* to the Bar. Look upon him; how ſay you? is he guilty of the Felony and Burglary whereof he ſtands indicted, or not guilty?

Fore-man. Guilty.

John Turner, *William Turner*, & *Mary Turner* and *Ely Turner* were by the ſaid Jury ſeverally acquitted.

January the 19*th*.

In the morning the ſaid *William Turner* was again arraigned and indicted for the Felonious ſtealing of 45 *l.* of the moneys of *William Hill*, ſervant to the ſaid Mr. *Tyon*, and ſtolen

stollen in the said Robbery of *Mr. Tryan*, but the tryal thereof was deferred till the next Sessions.

Afterwards some of the Justices of the Bench having received intimation that Lodgings were lately taken in *Dukes-Place* by the said Col. *Turner*, *William Turner*, and others, for the carrying on of the aforesaid Robbery, the said Colonel *Turner* and *William Turner* were severally examined by that worthy Gentleman Sir *Thomas Alleyn*, who with great prudence hath managed this Affair, who pressed several questions to the said Prisoners, who finding their said design fully discovered, declared as followeth.

The Examination and Confession of Col. James Turner, *and* William Turner, *two of the persons in the Robbery of* Mr. Tryan, *taken by* Sir Thomas Alleyn *Knight and Baronet, in the presence of the Right Honorable* Sir Anthony Bateman *Knight, Lord Mayor of the City of* London, *Sir* Richard Brown *Knight and Baronet*, *Sir* John Robinson *Knight and Baronet*, *Sir* Richard Ford *and Sir* Richard Rives, *Knights, Sheriffs of the City of* London, *the* 19th *of* January 1663.

That the conceiving and setting of this Robbery was wholly acted by Col. *James Turner*, and that it was in agitation about *Christmas* last, and should have been put in execution a week sooner, but that the other Friend whom Col. *Turner* thought was drunk, and one *White* who was one of the Actors, would not venture his life with him.

That there were four persons that robbed him, Col. *James Turner*, *William Turner*, *Wbite* a Sollicitor, and *VVbite's* Friend, whose Name they knew not. That upon Thursday the seventh day of *January* instant, Col. *James Turner*, *VVilliam Turner*, *VVbite*, and the other person whose Name they knew not, met at the Red-Lyon in *Bishopsgate-street* near to St. *Hellens*, about three of the clock in the afternoon, where they dined; Col. *Turner* fetched a neck of Veal from the Cooks for their dinner, and then they agreed to rob Mr. *Francis Tryan* (who lives in *Lime-street*) that night, and went to meet again at the same House by six of the clock that evening; but the room where they were to meet, being taken up, they went over to the four Swans, or the Green Dragon, and there they all staid till eight of the clock. Col *Turner* did then assure them, that the dores should be opened, for that by his own confession he had got the impression of the key of the dore in Wax, and had another key made by it, but knew not the Smith that made the key. From that place Col. *Turner* carried them to the New-Market in Leaden-Hall, where they sate upon the Stalls for the space of half an hour, and then he came unto them, and told them the Man and Maid were now gone out, and that now was their time. Thereupon Col. *Turner* opened the door with his key, and let them in; then they went up the stairs, Col. *Turner* leading the way; he light a Candle in the Kitchin, and went up into Mr. *Tryans* Chamber all four of them; Col. *Turner* went near the beds feet, the Curtains being drawn close; *VVbite* and the other persons put a cloath into Mr. *Tryans* mouth, stopt it, and bound his feet and his hands. Col. *Turner* brought down the Key of the Ware-House and the Counting House out of his pocket, opened the Ware-House door, and the Counting-House, and took the Keys of the Iron Chest, and took out the Money and the Jewels: *VVilliam Turner* carried two Wallets with four Bags of Money, as he conceives; and Col. *Turner* said, that the said *VVil. Turner* carryed four hundred pounds, and *VVbite* carryed two Wallets more, supposed to be four Bags of some hundred pounds. Col *Turner* and the other

 person.

perſon carryed the reſt of the Money, only Col. *Turner* carryed away the Jewels in his two Bags. That *William Turner* did not ſee any money, but as they ſaid it was money. They did not ſtay in Mr. *Tryans* houſe above an hour. That they carryed all the aforeſaid Money and Jewels into a Lodging in one *Nicholas Hickenſons* houſe in *Lowſie-Lane* in *Dukes-Place*, which they hired ſome days before, pretending it for the uſe of a Maſter of a Ship, his Mate, Purſer and Boatſwain. They carried the money in about ten a clock at night; when the Maid let them in, they blew out the candle, carryed up the Money and Jewels, *William Turner* going under the name of Purſer. Col. *Turner* and *William Turner* came away that night, and left the Money and the Jewels there; the next morning Col. *Turner* fetcht away the Money and Jewels at five times to his own houſe, and ſaith, that *William Turner* was to have a hundred pounds of the money for his pains; *White* and his friend twenty pounds apiece for their pains, and Col. *Turner* was to have the reſt. That *William Turner* knew not of any of the Jewels, nor *White*, none but Col. *Turner*. That after that night *William Turner* never ſaw Col. *Turner* nor the other perſons in the Robbery, till himſelf with Col. *Turner* and others were arraigned for the fact at *Newgate*. Neither did the ſaid *William Turner* ſee any Money or Jewels opened; neither did he receive one penny of the money; neither was he in the Compting-Houſe of Mr. *Tryan*. That neither Col. *Turner*'s Wife nor Sons knew of this Robbery, only that they helped him to remove the money away on Saturday morning. That the money was in the houſe on Friday at night, when the Conſtable and Marſhal ſearched his houſe, but they had hid them. That Col. *Turner* being asked where the Jewels were on Saturday morning, ſaid, he did deliver them at ſix of the clock to *White* in both the Bags. That the Carkanet of Rubies was not in thoſe Bags. That Col. *Turner* in the concluſion confeſſed, That he had not done that he did, but that he did lately underſtand that another perſon was made Executor, and that he was reſolved to have ſomewhat.

After Colonel *Turner* his Examination, Sir *Tho. Alleyn* told Colonel *Turner*, that the first part of Repentance was Confession, the second Restitution; and he being a Convict Person, and in all probability not likely to continue long in this world, it were much better for him to restore what was another mans, then to think to enrich his Wife and Children, by leaving them that which he knew was none of his: and that one peny of his own Estate left him, would continue longer with him then a pound of another bodies: and thereupon he was pressed to restore Mr. *Tryan* the rest of his money, and the Carkanet of Rubies and Diamonds yet in his custody. This had such a present influence upon Mr. *Turner*, that he said he would immediately go and fetch the Carkanet; which he accordingly did, and delivered the same into the hands of Sir *Richard Rives*, one of the Sheriffs.

January the 19th in the evening.

Clerk. Set *James Turner* to the Bar. *James Turner*, hold up thy hand: Thou standest here convicted of Felony and Burglary, for the felonious stealing of the goods and money of *Francis Tryan*; what canst thou say why the Court should not give thee Judgement to die according to Law?

Col. Turner. My Lord, I humbly desire your Honour, and the Honourable Bench, you would be pleased to grant me a Reprieve.

J. Howel. That we cannot do; the Court must give Judgement upon you; if you can by any means prevail with his Majesty to do it, you may use your interest; but the Court cannot do it.

Col. Turner. I desire your Honours I may be transported.

J. Howel. That likewise is in the power of his Majesty; that he may do if he please; it is not in the power of the Court: we have nothing to do but to give Judgement.

Col. Turner. You do it with others.

J. Howel. No, not in this case of Burglary; but leave that to his Majesties meer mercy and grace.

Col. Turner. My Lord, I shall humbly desire that my Wife and the two Youths may be discharged.

J. Howel. She is found Not Guilty, and therefore she shall have her Acquital upon the discharge of the Jayl: those that are acquitted, they must be discharged, if the Court do not see cause for their further detention.

Col. Turner. I pray the young man and my Wife may be discharged.

J. Howel. Whosoever are found not guilty, must have their discharge according to Law.

Col. Turner. My Lord, I hope the Bench is satisfied about the young man.

J. Howel. Say no more.

Col. Turner. Your Honours humble servant.

Clerk. Set *James Turner* to the Bar.

J. Howel. I must pronounce the Judgement of the Court, which is, *That you go to the place from whence you came, and so to that place of execution which shall be appointed to you by Authority, there to be hanged by the neck till you be dead; and the Lord have mercy on your soul.*

Accordingly the said Colonel *James Turner* was drawn in a Cart from *Newgate* to *Lyme-street* end in *Leaden-hall-street*, the 21 of *January*, and was there executed on a Gibbet erected for that purpose.

FINIS.

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